

**Maryland  
Transportation  
Authority**

Martin O'Malley  
Governor

Anthony Brown  
Lt. Governor

Beverley K. Swaim-Staley  
Chairman

Peter J. Basso  
Rev. Dr. William C. Calhoun, Sr.  
Mary Beyer Halsey  
Louise P. Hoblitzell  
Richard C. Mike Lewin  
Isaac H. Marks, Sr., Esq.  
Michael J. Whitson  
Walter E. Woodford, Jr., P.E.

Ronald L. Freeland  
Executive Secretary

Douglas M. Hutcheson, P.E.  
Acting Chief Engineer

Engineering Division  
300 Authority Drive  
Baltimore MD 21222-2200  
410-537-7806  
410-537-7803 (fax)

Construction Division  
304 Authority Drive  
Baltimore MD 21222-2200  
410-537-7888  
410-537-7802 (fax)

410-355-7024 (TTY)  
1-888-754-0098

e-mail: [mdtaengineer@mdtransportationauthority.com](mailto:mdtaengineer@mdtransportationauthority.com)

[www.mdtransportationauthority.com](http://www.mdtransportationauthority.com)

May 5, 2010

**TO ALL PURCHASERS OF CONTRACT DOCUMENTS:**

RE: **Contract No. BB 2176-000-006R**  
**Cleaning and Painting at Westbound Bay Bridge**

**ADDENDUM NO. 1**

To Whom It May Concern:

It is important that you acknowledge receipt of this Addendum No. 1 on the referenced contract regardless if you will be bidding or not bidding.

Very truly yours,

Linda McGill, CPPB  
Chief Procurement Officer

Enclosures

Contract No. **BB 2176-000-006R**

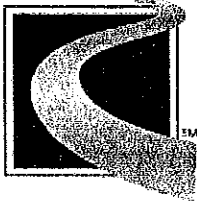
This will acknowledge receipt of the attached Addendum No. 1.

\_\_\_\_\_  
**NAME OF COMPANY**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

THIS SIGNED ADDENDUM ACKNOWLEDGEMENT PAGE SHALL BE RETURNED TO THIS OFFICE VIA FAX AT 410-537-7801, ATTENTION: MAGGIE JOHNSON PRIOR TO THE BID OPENING DATE.



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e-mail: mdtaengineer@  
mdtransportation  
authority.com

www.mdtransportation  
authority.com

May 5, 2010

TO ALL PURCHASER'S OF CONTRACT DOCUMENTS

**ADDENDUM NO. 1**

RE: Contract No. BB 2176-000-006R  
Cleaning and Painting at Westbound Bay Bridge

To Whom It May Concern:

The following changes have been made to the **Proposal Book**:

1. Enclosed are the Pre-Bid Meeting Minutes, responses to questions From contractors dated April 26 and 27, 2010.
2. Delete Pages 35 and 84 through 89 of the Invitation for Bids and replace with revised pages numbered the same dated May 5, 2010, Addendum No. 1

Very truly yours,

Linda McGill, CPPB  
Chief Procurement Officer

LM/na

THIS ADDENDUM SIGNED ACKNOWLEDGEMENT PAGE MUST BE ATTACHED TO THE OUTSIDE COVER OF THE BID BOOK. FAILURE TO DO SO MAY RESULT IN REJECTION OF YOUR BID.

Pre-bid Meeting Minutes

Contract No. BB 2176-000-006R  
Cleaning and Painting of Westbound Bay Bridge

Chesapeake Bay Bridge

April 20, 2010 (10:00 AM)

The following were in attendance:

Nafiz Alqasem	MdTA Engineering
Lloyd Smith	Greenman-Pederson
Bob McKenzie	MdTA Engineering
Gordon Garrettson	MdTA Maintenance (Chesapeake Bay Bridge)
Alisha Wright	MdTA Procurement
Nekisha Suarez	MdTA MBE Division
Carl Hill	ABHE and Suoboda, Inc.
Dimitrios Aikaterinidis	Alpha Painting and Construction
Tom Kousisis	Alpha Painting and Construction
David Brockman	Certified Coatings
Bill Todd	Certified Coatings
Rick Matthews	Painters and Allied Tracks DCSI
Jack Knisley	Sherwin-Williams Co,

Ms. Wright opened the meeting with the following notes:

The scope of work for this project will include, but is not limited to, cleaning and painting the structural steel at the west girder spans, including the steel piers; cleaning and painting the steel rail posts at locations mentioned in Section 436 of the Special Provisions; and miscellaneous structural repairs within the project site or any location within the WPL Memorial Bridge Facility.

The contract time is 550 calendar days with liquidated damages of \$1,500.00 assessed per calendar day for unauthorized extensions beyond the contracted time of completion.

Ms. Wright drew the potential bidders' attention to the following points:

1. The bid due date is Wednesday, May 12, 2010 at 12 PM. Bid packages must be placed in the bid box located on the first floor of the Engineering Building at the Francis Scott Key Bridge, 300 Authority Drive, Baltimore, MD 21222 and must consist of one complete bid book and all the required documents. Late bids will not be accepted.
2. The Authority does not encourage overnight delivery service. However, if a bidder chooses to send a package overnight, the bid should be delivered at least a day in advance to the **Maryland Transportation Authority; Office of Procurement & Statutory Program Compliance; 300 Authority Drive; 1<sup>st</sup> Floor; Baltimore, MD 21222**. It will be the responsibility of the contractor to make sure that his/her bid package is placed in the bid box. The outside of the mailed package must clearly identify the contract number and mention that it is a bid package.

3. The minutes from this meeting will be included in Addendum #1 and distributed to all purchasers of the bid documents. The anticipated date for Addendum # 1 is Wednesday, May 5, 2010.
4. The schedule of prices must be filled out accurately and completely. Failure to do so may render a bid non-responsive.
5. It is strongly recommended that bidders review page i, "Notice to Bidders," and pages iv-vii, "Important Information Regarding MBE Utilization and Bidding Requirements," of this invitation to bids prior to submitting bids for this project.
6. Following this meeting, all questions should be in writing, addressed to the Project Manager Mr. Nafiz Alqasem and sent via fax to 410-537-7801. The Authority will accept written questions until 4 PM on Wednesday, April 28, 2010. Answers to questions will be distributed to all purchasers of bid documents.

Ms. Suarez stated that the overall MBE goal for this project is 12%, with no subgoals. Ms. Suarez encouraged bidders to contact her office at 410-537-7831 if they require assistance with the MBE directory.

Mr. Alqasem announced that Mr. Garrettson would arrange a site visit for any interested bidders (UPDATE: a field trip was arranged and conducted on April 21<sup>st</sup>). The floor was opened to questions about the project.

QUESTION: Where does the painting operation begin and end?

REPOSE: The scope of this contract includes cleaning and painting the west girder spans and the steel rail posts as described in Section 436.01.1.1 on page 67 of the Special Provisions.

QUESTION: The containment system is required to have a rigid floor. Is a chain link fence system acceptable?

RESPONSE: No, a chain link fence system is not acceptable. The scaffolding must be a rigid system.

QUESTION: Does the deck have a catwalk system?

RESPONSE: Yes. There is a catwalk/inspection walkway under the girder spans. For details, see As-built Sheet No. 20 of 149 included in the contract documents.

QUESTION: Is there a Telex system on the bridge, and if so how is it accessed?

RESPONSE: Yes there is a Telex system. It can be accessed from underneath the bridge. For that, one must be dropped off at the bridge by Authority personnel.

QUESTION: Can we get a look inside the bent piers?

RESPONSE: Yes. The Authority will schedule a site visit for those who are interested.  
Update: A field visit was arranged and conducted on April 21, 2010.

QUESTION: What kind of work is to be performed inside the piers?

RESPONSE: The steel shall be blast-cleaned from the floor to above the areas of corrosion (one foot up the walls) and painted as specified in section 436 of the Special Provisions (pages 67-82 of the proposal book).

QUESTION: Will any work be performed on the outsides of the piers?

RESPONSE: Yes, the outside surfaces of the steel piers shall be cleaned and painted as specified in section 436 of the Special Provisions (pages 67-82 of the proposal book). Measurement and Payment for this work shall be included in the lump sump price for bid item 401 "Cleaning and Painting Existing Structural Steel-West Girder Spans"

QUESTION: Does the existing coating contain lead?

RESPONSE: Yes. See Section 1.1 on Page 45 of the Special Provisions.

QUESTION: Do the entire exteriors of the piers require blasting and painting?

RESPONSE: Yes. See the response to a previous question regarding work to be performed on outside faces of piers.

QUESTION: Can the lane closure schedule from the ongoing redecking project (contract no. LB 378-000-006R2) be used for this contract?

RESPONSE: No, that MOT schedule cannot be made available for this project.

QUESTION: The Maintenance of Traffic provision of the proposal book includes a table of allowable lane closures for cleaning and painting the suspension towers (p. 35). Why is this necessary if the suspension towers are not included in the scope of work?

RESPONSE: This is verbiage left over from a previous version of the proposal book. A revised page 35 is included in this addendum.

QUESTION: Does the water used for cleaning concrete (as specified by joint surface preparation standard SSPC-SP13) have to be recaptured?

RESPONSE: Yes. The water must be fully recaptured

QUESTION: How firm are the April 15 and December 15 start and stop dates for application of field paint?

RESPONSE: These dates are established by section 435.03.16 of the MD SHA Standard Specifications for Construction and Materials. There will be no exceptions to this mandate. However, other activities, such as setting up containment, are permitted.

QUESTION: Can the period between December 15 and April 15 to be considered part of the 550 calendar days, and used for non-painting operations?

RESPONSE: Yes, it is part of the contract duration.

QUESTION: When will the notice to proceed be issued?

RESPONSE: No firm NTP date can be established at this point. Typically, however, the notice to proceed comes four months after the bid is won.

QUESTION: Will the redecking contract be finished before this project is due to begin?

RESPONSE: The anticipated completion date of the redecking project, Contract No. LB 378-000-006R2, is September 2010.

QUESTION: If an area is in containment, will painting of that area be allowed in wind of over 20 MPH?

RESPONSE: Yes.

QUESTION: Special provision 436.03.1.1.13 (page 73 of the proposal book) states that "freshly painted surfaces that are contaminated shall be reblasted and repainted." If, during priming, grit shakes loose from one member and lands on a primed member, must that member be entirely reblasted and reprimed?

INITIAL RESPONSE: Surfaces shall be considered to be contaminated if they contain more than two grit particles per square inch where the grit (or other contaminant) is in contact with the steel substrate. Small areas of contaminated surface can be repaired by cleaning in accordance with SSPC-SP11 and re-applying the coating (if acceptable to the coatings manufacturer).

FINAL DETERMINATION: Contamination of the surface refers to particles that penetrate the coating and/or make contact with the substrate. Prior to requiring reblasting, the contractor will be given the opportunity to use scarppers and similar methods to remove surface contaminants. If the contaminant cannot be removed, the area will have to be reblasted. If the contaminant was grit that shook loose, the area would be considered clean if no more than two particles per square foot remain in the coating. If the contractor were to paint over a pile of abrasive or abrasive blasting debris, then the area would have to be reblasted.

QUESTION: Why is the caulking special provision in the proposal book (436.03.2.17, p. 77) different from the caulking specification (436.03.23) in the MD SHA Standard Specifications for Construction and Materials?

RESPONSE: That specification has been revised to fit the needs of this particular project. The specification in the proposal book supersedes the one in the Standard Specifications.

QUESTION: The given quantity of the caulking bid item is 2500 linear feet (p. 117). Shouldn't the width of the seams be factored in?

RESPONSE: No, payment for caulking will not be based on the width of the seam opening. The caulking shall be paid for per linear foot, any width.

QUESTION: Would containment system builders be compensated under the "painter- steel bridge" wage classification (p. 88)?

RESPONSE: Yes.

QUESTION: Are Maryland Apprenticeship and Training Council laws and regulations applicable to this contract?

INITIAL RESPONSE: Yes.

FINAL DETERMINATION: Currently, the Maryland Department of Labor, Licensing, and Regulations is unable to implement the Apprenticeship Fund regulation due to budget constraints, so the answer to this question is *no*. Contributions to the fund are not required at this time.

QUESTION: Does the painting contractor have to be SSPC-QP1 and SSPC-QP2 certified?

RESPONSE: Yes, the painting contractor must be QP 1 and QP 2 certified.

QUESTION: Is there a wage rate classification that provides for operation of water craft not directly involved in construction, for instance a boat to carry the engineer to the construction barge?

RESPONSE: Yes- "marine- boat captain." See page 87 of the Special Provisions.

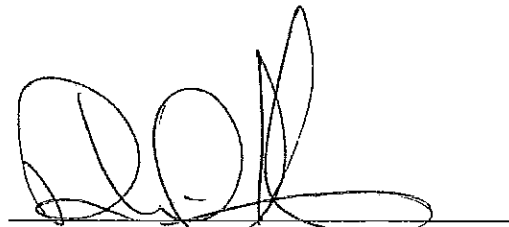
QUESTION: Will the American Bridge staging area currently in use for the redecking be available for this contract? If not, will other areas be available?

RESPONSE: It has yet to be determined if the American Bridge staging area will be available. If not, the contractor will have to find one. There are no locations available on Authority grounds.

QUESTION: Will the contractor be required to provide confined spaces training for Authority personnel?

RESPONSE: No.

As there were no further questions, the meeting was adjourned.



Approved

**Contract No. BB 2176-000-006R**  
Cleaning and Painting of Westbound Chesapeake Bay Bridge

**Responses to questions from the Certified Coatings Company dated 4/26/10:**

**Question:** Does the metal curb get cleaned and painted? If so, is it to the specifications for structural steel or to the SP2/3 and overcoat specification for railing posts?

**Response:** No, cleaning and painting the metal curb is not part of this contract, only the steel posts require cleaning and painting.

**Question:** The specification requires the contractor to dewater and dry out the column base interiors for painting the concrete floor up 1' on the walls. The column base interior that was made available for inspection the day after the prebid meeting had approximately 3" of standing water in it. The only logical source of this water seems to be from precipitation finding its way inside the column. For any coating to stick to concrete, the concrete must be reasonably dry, which will likely take the application of heat and some time to get it dry. What happens if acceptable coating conditions cannot be achieved due to precipitation entering the columns?

Also, the Authority might want to consider installing a way for the column interiors to drain. By coating the floor and up the walls, you are eliminating any possible drainage of water that finds its way inside, which will unnecessarily increase the level of humidity inside any columns that leak.

**Response:** In the unlikely event that precipitation will not allow the contractor to paint the column bases, the contractor would be expected to devise a system that blocks the water from entering the work area to achieve acceptable conditions. If this is not possible, alternate coating systems that are formulated to be applied to damp concrete will be considered. Payment for devising a system to block the water will be based on a negotiated price between the contractor and MDTA. If a negotiated price can not be agreed upon, payment will be made in accordance with Section TC 7.03 of the Standard Specifications.

Each existing steel pier base has 1 inch vent holes drilled through the plates at the base of the pier where it meets the cap. These holes were provided to allow concrete to pass through the column since a short height of the column has concrete inside. Details are shown on sheet 38 of 149 of contract PB12-1 (a copy of which is included in the as-built plan sheets provided with the contract documents). Furthermore, each existing pier column has a 2 inch drain pipe that extends through the pier cap. This is shown on sheet 49 of 149. (a copy of which is included in the as-built plan sheets provided with the contract documents). The contractor shall unclog and clean out the drain pipes in lieu of drilling new holes in the steel columns. Cleaning out the drain pipes will not be measured for payment. The cost, including all labor, equipment, materials and incidentals necessary to complete this work shall be incidental to bid item 402 'Cleaning and Painting Bases of Built up Steel Columns (Interior Faces)'.

**Responses to questions from the International Union of Painters and Allied Trades, AFL-CIO District Council No. 51 dated 4/27/10:**

- Question: Will a State of Maryland registered apprenticeship be required?
- Response: The Department of Labor, Licensing, and Regulations is unable to implement the Apprenticeship Fund regulation due to budget constraints, so contributions to the fund are not required at this time.
- Question: Will MDE W1 Lead Work certification be required for the employees?
- Response: Workers removing lead in Maryland must be certified. This requires MDE W1 workers and MDE S1 supervisors.
- Question: Has the prevailing wage rate for the project been adjusted to reflect updated DLLR wage rates?
- Response: Yes. A copy of the current wage rate schedule will be included in addendum no. 1.

**Response to question from Alpha Painting and Construction Company, Inc. dated 4/27/10:**

- Question: We believe the following NAICS codes are applicable to this project, please review and comment.  
237310- Highway, Street, and Bridge Construction  
238990- All Other Specialty Trade Contractors
- Response: The codes provided to potential bidders are meant as guides only. Bidders are free to use whatever codes they prefer.
- Question: Does the builder of the containment system have to be QP1 or QP2 certified?
- Response: No, the builder of the containment system does not have to be QP1 or QP2 certified.
- Question: Special Provision 4.1.1 (page 48) states in part "only rigid (type A1) floors shall be used unless the debris is funneled into a rigid container." Is a chain link fence system considered rigid for this project?
- Response: The containment has to be a rigid system as specified in Section 4 on Page 48 of the Special Provisions. The chain link fence system is not a rigid system.
- Question: The maintenance of traffic specification spells out what lane closures are allowable for this project. A cost estimate might be more accurate if it were based upon a history of the MOT for the redecking project. In other words, how many lane closure requests were not fulfilled? Can the redecking lane closure schedule be provided?
- Response: A history of past lane closures will not be made available. The estimate should be based upon the specification in the proposal book.

Question: Are the deck pans to be blasted and painted? If they are to be repainted, what is the surface prep requirement and painting system for the deck pans?

Response: No, the deck pans are not to be blasted and painted.

Question: Is the catwalk grating to be repainted? What surface prep and paint system are required if it is to be repainted?

Response: The catwalk grating shall be cleaned painted. The paint system shall be the same paint system specified for total removal and replacement (system C over an SSPC-SP10). For catwalk details, see As-built Sheet No. 20 of 149 included in the contract documents.

Question: Please clarify the bottom limits of the post painting.

Response: The bottom limit is the bottom of the post including the support brackets. See attached picture on Page Nos. 81 and 82 of the special provisions.

Question: The top of bent 28 carries both the girder and the truss. Are we to mask off the truss connections to the bent, or will the contractor be able to paint some of the truss that is connected to the bent?

Response: The truss is to be masked off. The truss span is not part of this contract.



**SPECIAL PROVISIONS  
TRAFFIC CONTROL PLAN**

CONTRACT NO. BB 2176-000-006R  
2 of 4

However, once the redecking contract, LB 378-000-006R2, is complete, the painting contractor will be allowed to set up lane closures for cleaning and painting the steel railing posts. The contractor must coordinate all lane closures with other contractors who may be working on the bridge at the same. LB 378-000-006R Contract is expected to be completed by November 2010. The following provisions shall apply:

**ALLOWABLE LANE CLOSURE SCHEDULES FOR CLEANING AND PAINTING  
THE STEEL POSTS  
WILLIAM PRESTONLANE, JR. MEMORIAL BRIDGE**

October 1 through April 30:\*

TIME OF DAY	DAYS OF THE WEEK	ALLOWED CLOSURES
9:00AM – 2:30PM	Monday – Thursday	Single Lane Eastbound
9:00PM – 6:00AM	Monday – Thursday	Single Lane Eastbound
9:00AM – 12:00Noon	Friday	Single Lane Eastbound
10:00PM – 6:00AM	Saturday & Sunday	Single Lane Eastbound
9:00AM – 2:30PM	Monday – Thursday	Single Lane Westbound
9:00PM – 5:00AM	Monday – Thursday	Single Lane Westbound
9:00AM – 12:00Noon	Friday	Single Lane Westbound
9:00PM – 7:00AM	Saturday & Sunday	Single Lane Westbound
9:00PM – 5:00AM	Monday – Thursday	Double Lane Westbound

No lane closures permitted from December 23 through January 2.

Any eastbound closure may require contra-flow on the westbound bridge.

May 1 through September 30\*:

TIME OF DAY	DAYS OF THE WEEK	ALLOWED CLOSURES
9:00AM – 2:30PM	Monday – Thursday	Single Lane Eastbound
10:00PM – 6:00AM	Monday – Thursday	Single Lane Eastbound
9:00AM – 2:30PM	Monday – Thursday	Single Lane Westbound
9:00PM – 5:00AM	Monday – Thursday	Single Lane Westbound

Any eastbound closure may require contra-flow on the westbound bridge.

\* Between the hours of 5 am and 9 pm no more than one of the existing five traffic lanes may be closed at any time.

Available westbound Bay bridge closures for 2010 are included in the Proposal Book for informational purposes only.

No lane closures shall be made without prior written approval of the project Engineer in the form of an Authority lane/shoulder closure permit or the Bridge Administration.

**PREVAILING WAGE INSTRUCTIONS FOR THE CONTRACTOR & SUBCONTRACTOR**

The contractor shall submit one completed copy of the certified payroll record to the Commissioner of Labor & Industry, Prevailing Wage Unit, located at 1100 N. Eutaw Street, Room 607, Baltimore, Maryland 21201, and one completed copy of the certified payroll record to the Contracting Officer. Payroll records must be submitted and received within 14 calendar days after the end of each payroll period.

Certified Payrolls shall be submitted on the U.S. Department of Labor Wage and Hour Public Contracts Division Payroll Form, WH-347, available online, or its equivalent containing information only relevant to the job. On an additional sheet of paper provide the contractor's or subcontractor's FEIN/ EIN number, email address, telephone number and a breakout of the fringe benefit schedule.

**The U.S. D.O.L Wage and Hour Public Contracts Division Payroll Form, WH-347 or its equivalent shall contain the following information:**

Contractor's/subcontractor's name, address, project name, project address and project number issued on the wage determination from the Maryland State Department of Labor, Licensing and Regulation, Division of Labor and Industry, Prevailing Wage Unit, employees' name, address, full social security number, exact and specific work classification issued by the Commissioner of Labor and Industry, straight time/overtime hours worked each day, total hours worked both straight time and overtime, rate of pay (DO NOT INCLUDE FRINGE BENEFITS IN THE RATE OF PAY COLUMN) and gross wages earned.

All Certified Payroll Records shall have an accurate week beginning and ending date.

The contractor shall be responsible for submission to the Commissioner of Labor and Industry Prevailing Wage Unit all subcontractors' payroll records covering work performed directly at the work site. Each copy of the payroll records shall be accompanied by a statement signed by the contractor or subcontractor, indicating the wage rates contained therein are not less than those established by the Commissioner as set forth in the contract, the classification set forth for each worker or apprentice conforms with the work performed, and the contractor or subcontractor has complied with the provisions of the law.

A contractor or subcontractor may make deductions that are (1) required by law; (2) required by a collective bargaining agreement between a bona fide labor organization and the contractor or subcontractor; or (3) contained in a written agreement between an employee and an employer undertaken at the beginning of employment, if the agreement is submitted by the employer to the public body awarding the public work and is approved by the public body as fair and reasonable.

Where fringe benefits are paid in cash to the employee or to an approved plan, fund, or program, the contribution to each must be explained in the exception column of the signature page.

Payroll records must be submitted and received within 14 calendar days after the end of each payroll period. If the contractor is delinquent in submitting payroll records, processing of partial payment estimates may be held in abeyance pending receipt of the records. In addition, if the contractor is delinquent in submitting the payroll records, the contractor shall be liable to the contracting public body for liquidated damages. The liquidated damages shall constitute the sum of \$10.00 for each calendar day the records are late.

Only apprentices REGISTERED WITH THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL shall be employed on prevailing wage projects. Apprentices shall be paid a percentage of the determined journey person's wage for the specific craft.

Overtime rates shall be paid by the contractor and subcontractors under its contracts and agreements with their employees which in no event shall be less than time and one-half the prevailing hourly rate of wages for all hours worked in excess of ten (10) hours in any one calendar day; in excess of forty (40) hours per workweek; and work performed on Sundays and legal holidays.

**PREVAILING WAGE INSTRUCTIONS FOR THE CONTRACTOR AND SUBCONTRACTOR [con't]**

Contractors and subcontractors employing a classification of worker for which a wage rate was not issued SHALL notify the Commissioner of Labor & Industry, Prevailing Wage Unit, for the purpose of obtaining the wage rate for said classification PRIOR TO BEING EMPLOYED on this project. To obtain a prevailing wage rate which was NOT listed on the Wage Determination, send a WRITTEN request for the specific omitted rate or craft to the Division of Labor & Industry, Prevailing Wage Unit.

The fringe benefit packages of the contractor, and all subcontractors working for the contractor, must be submitted on an additional sheet of paper indicating the hourly dollar amount paid, along with proof of payment, on behalf of each employee working on the project. Apprenticeship certificate of good standing shall be submitted for each apprentice employed on the project. A valid copy of the Construction License for the contractor and subcontractors, permitting them to perform construction work in the State of Maryland must be submitted. In addition, the contractor is required to forward the subcontractors list, the fringe benefits packages, the apprenticeship certificate of good standing and the construction licenses to the Prevailing Wage Unit.

Under the MARYLAND APPRENTICESHIP AND TRAINING COUNCIL laws and regulations, consistent with proper supervision, training and continuity of employment and applicable provisions in collective bargaining agreements, a ratio of one journey persons regularly employed to one apprentice shall be allowed. No deviation from shall be permitted without prior written approval from the Maryland Apprenticeship and Training Council.

During the 2009 session, the General Assembly passed Chapter 687 (HB 644) which establishes certain requirements for contractors and subcontractors on State prevailing wage projects. The law requires certain contractors and subcontractors on State prevailing wage projects to contribute to a State Apprenticeship Training Fund or a registered apprenticeship program. At the present time, the Department has been unable to implement this law due to budget constraints so there are no required contributions at this time.

In an effort to further the purpose of this law, the Department will be working to help expand voluntary contractor participation in apprenticeship and training through expanded education and outreach to the contractor community.

Laborers may NOT assist mechanics in the performance of the mechanic's work, NOR USE TOOLS peculiar to established trades.

ALL contractors and subcontractors shall employ only competent workers and apprentices and may NOT employ any individual classified as a HELPER or TRAINEE on a prevailing wage project.

For additional information, contact:  
 Division of Labor and Industry  
 Prevailing Wage Unit  
 1100 North Eutaw Street, Room 607  
 Baltimore, Maryland 21201  
 (410) 767-2342  
 Fax: (410) 333-7303  
 E-Mail Address: [prevailingwage@dllr.state.md.us](mailto:prevailingwage@dllr.state.md.us)

## STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION  
 DIVISION OF LABOR AND INDUSTRY  
 PREVAILING WAGE SECTION  
 1100 N. Eutaw Street, Room 607  
 Baltimore, MD 21201  
 (410) 767-2365

The wage rates to be paid laborers and mechanics for the locality described below is announced by order of Commissioner of Labor and Industry.

It is mandatory upon the successful bidder and any subcontractor under him, to pay not less than the specific rates to all workers employed by them in executing contracts in this locality. Reference: Annotated Code of Maryland State Finance and Procurement, Section 17-201 thru 17-226.

These wage rates were taken from the locality determination dated Dec 01, 2009 for {County}, issued pursuant to the Commissioner's authority under State Finance and Procurement Article Section 17-209, Annotated Code of Maryland.

Name and Title of Requesting Officer: Maggie Johnson, Procurement Associate

Department, Agency or Bureau: Maryland Transportation Authority  
 300 Authority Drive Baltimore, MD 21222

Location and Description of work: Anne Arundel County: Work to include cleaning and painting structural steel at the west girder spans, steel piers and will also include miscellaneous structural repairs within the project site or any location within the "WPL" Memorial Bridge Facility.

Project No: BB 2176-000-006R1a

Date of Issue: Apr 23, 2010

## HIGHWAY CONSTRUCTION

CLASSIFICATION	BASIC HOURLY RATE	FRINGE BENEFIT PAYMENT
BRICKLAYER	26.81	\$7.82
BRICKLAYER - CAULKER	26.81	\$7.82
BRICKLAYER - RIGGER	26.81	\$7.82
BRICKLAYER - WELDER	26.81	\$7.82
BRICKLAYER/SAWMAN	26.81	\$7.82
CARPENTER	24.41	\$9.28
CARPENTER - CAULKER	24.41	\$9.28
CARPENTER - DRYWALL	24.41	\$9.28
CARPENTER - RIGGER	24.41	\$9.28
CARPENTER - WELDER	24.41	\$9.28
CEMENT MASON	23.30	\$8.11
CEMENT MASON - CAULKER	23.30	\$8.11
CEMENT MASON - RIGGER	23.30	\$8.11
CEMENT MASON - WELDER	23.30	\$8.11
CEMENT/CONCRETE FINISHER	23.30	\$8.11
COMMUNICATION INSTALLER/TECHNICIAN	23.15	\$7.88
DENSITY GAUGE	16.16	\$4.73
DRYWALL - SPACKLING, TAPING, & FINISHING	24.09	\$10.02
ELECTRICIAN	32.90	\$13.88
ELECTRICIAN - CAULKER	32.90	\$13.88

ELECTRICIAN - RIGGER	32.90	\$13.88
ELECTRICIAN - STREET LIGHTING	32.90	\$13.88
ELECTRICIAN - WELDER	32.90	\$13.88
ELEVATOR MECHANIC	36.07	\$21.36
FIREPROOFER - BY HAND	19.00	\$3.93
FIREPROOFER - SPRAYER	19.00	\$3.93
FIRESTOPPER	19.00	\$3.93
GLAZIER	24.60	\$14.84
HOIST	16.16	\$4.73
INSULATION WORKER	30.12	\$14.61
IRONWORKER	26.55	\$14.68
IRONWORKER - CAULKER	26.55	\$14.68
IRONWORKER - FENCE ERECTOR	25.01	\$14.68
IRONWORKER - ORNAMENTAL	26.55	\$14.68
IRONWORKER - REINFORCING	26.55	\$14.68
IRONWORKER - RIGGER	26.55	\$14.68
IRONWORKER - STRUCTURAL	26.55	\$14.68
LABORER - AIR TOOL OPERATOR	16.01	\$4.63
LABORER - ASPHALT PAVER	15.68	\$4.73
LABORER - ASPHALT RAKER	15.68	\$4.73
LABORER - BURNER	15.68	\$4.73
LABORER - CARPET TENDER	15.68	\$4.73
LABORER - CLEANER	13.80	\$3.55
LABORER - COMMON OR UNSKILLED	15.68	\$4.88
LABORER - CONCRETE PUDDLER	15.68	\$4.73
LABORER - CONCRETE SURFACER	15.51	\$4.11
LABORER - CONCRETE TENDER	15.68	\$4.73
LABORER - CONCRETE VIBRATOR	15.68	\$4.73
LABORER - FIREPROOFER - MIXER	11.50	\$3.93
LABORER - FLAGGER	15.68	\$4.73
LABORER - GRADE CHECKER	15.68	\$4.73
LABORER - HAND ROLLER	15.68	\$4.73
LABORER - HAZARDOUS MATERIAL HANDLER	15.68	\$4.73
LABORER - JACKHAMMER	15.68	\$4.73
LABORER - LANDSCAPING	15.68	\$4.73
LABORER - LAYOUT	15.68	\$4.73
LABORER - LUTEMAN	15.68	\$4.73
LABORER - MASON TENDER	15.68	\$4.73
LABORER - MORTAR MIXER	15.68	\$4.73
LABORER - PIPELAYER	16.00	\$3.55
LABORER - PLASTERER - HANDLER	15.68	\$4.73
LABORER - SCAFFOLD BUILDER	16.00	\$4.73
LABORER - TAMPER	15.68	\$4.73
MARINE - BOAT CAPTAIN	25.62	\$9.82
MARINE - CREWBOAT OPERATOR	25.62	\$9.82
MARINE - TUG DECKHAND	25.62	\$9.82
MILLWRIGHT	24.09	\$10.02
MILLWRIGHT - CAULKER	24.09	\$10.02
MILLWRIGHT - RIGGER	24.09	\$10.02
MILLWRIGHT - WELDER	24.09	\$10.02
PAINTER	26.88	\$7.91
PAINTER - BRIDGE	30.32	\$7.91
PAINTER - CAULKER	26.88	\$7.91
PAINTER - INDUSTRIAL	26.88	\$7.91
PAINTER - STEEL - APPLICATION OF EPOXY	26.88	\$7.91
PAINTER - STEEL BRIDGE	30.32	\$7.91

PILEDRIIVER	24.80	\$7.64
PLASTERER	26.81	\$7.82
PLASTERER - MIXER	15.56	\$4.35
PLUMBER	36.22	\$14.85
PLUMBER - RIGGER	36.22	\$14.85
PLUMBER - WELDER	36.22	\$14.85
POWER EQUIPMENT OPERATOR - ASPHALT DISTRIBUTOR	17.29	\$8.29
POWER EQUIPMENT OPERATOR - BACKHOE	23.74	\$10.78 a
POWER EQUIPMENT OPERATOR - BOBCAT	22.84	\$8.29 a
POWER EQUIPMENT OPERATOR - BOOM TRUCK	22.84	\$8.29
POWER EQUIPMENT OPERATOR - BROOM TRUCK	22.84	\$8.29 a
POWER EQUIPMENT OPERATOR - BULLDOZER	23.74	\$11.05
POWER EQUIPMENT OPERATOR - CONCRETE PUMP	22.84	\$8.29
POWER EQUIPMENT OPERATOR - CRANE	25.20	\$11.05 a
POWER EQUIPMENT OPERATOR - CRANE - TOWER	26.60	\$11.05 a
POWER EQUIPMENT OPERATOR - DRILL-RIG	23.10	\$10.19
POWER EQUIPMENT OPERATOR - DRILLER	23.10	\$10.19
POWER EQUIPMENT OPERATOR - EXCAVATOR	23.74	\$10.92 a
POWER EQUIPMENT OPERATOR - FORKLIFT	22.84	\$8.29
POWER EQUIPMENT OPERATOR - GRADALL	24.74	\$10.16 a
POWER EQUIPMENT OPERATOR - GRADER	24.74	\$11.05 a
POWER EQUIPMENT OPERATOR - LOADER	23.74	\$11.05 a
POWER EQUIPMENT OPERATOR - MASTER MECHANIC	23.74	\$11.05
POWER EQUIPMENT OPERATOR - MASTER MECHANIC - RIGGER	23.74	\$11.05
POWER EQUIPMENT OPERATOR - MASTER MECHANIC - WELDER	23.74	\$11.05
POWER EQUIPMENT OPERATOR - MILLING MACHINE	23.61	\$9.53 a
POWER EQUIPMENT OPERATOR - OILER	23.74	\$11.05
POWER EQUIPMENT OPERATOR - PAVER	22.84	\$8.29
POWER EQUIPMENT OPERATOR - PETTIBONE	22.84	\$8.29
POWER EQUIPMENT OPERATOR - RIGGER	22.84	\$8.29
POWER EQUIPMENT OPERATOR - ROLLER - EARTH	22.84	\$8.29 a
POWER EQUIPMENT OPERATOR - ROLLER - ASPHALT	22.84	\$8.29
POWER EQUIPMENT OPERATOR - SCRAPER	22.84	\$8.29 a
POWER EQUIPMENT OPERATOR - SCRAPER - PAN	22.84	\$8.29 a
POWER EQUIPMENT OPERATOR - SCREED	22.84	\$8.29
POWER EQUIPMENT OPERATOR - SHOULDER MACHINE	22.84	\$8.29
POWER EQUIPMENT OPERATOR - SKIDDER	22.84	\$8.29
POWER EQUIPMENT OPERATOR - SPREADER	22.84	\$8.29
POWER EQUIPMENT OPERATOR - SWEEPER	22.84	\$10.78 a
POWER EQUIPMENT OPERATOR - TRACK DRILL	22.84	\$8.29
POWER EQUIPMENT OPERATOR - TRENCHER	22.84	\$8.29
POWER EQUIPMENT OPERATOR - TRIMMER	22.84	\$8.29
POWER EQUIPMENT OPERATOR - WELDER	22.84	\$8.29
RESILIENT FLOOR/CARPET LAYER	23.30	\$8.17
ROOFER - CAULKER	23.15	\$5.55
ROOFER - RIGGER	23.15	\$5.55
ROOFER/WATERPROOFER	23.15	\$5.55
SHEETMETAL WORKER	23.17	\$8.78
SPRINKLERFITTER	29.95	\$15.80
SPRINKLERFITTER - WELDER	29.95	\$15.80
STEAMFITTER/PIPEFITTER	36.22	\$15.13
STEAMFITTER/PIPEFITTER - RIGGER	36.22	\$15.13
TILE & TERRAZZO FINISHER	20.48	\$8.78

a. PAID HOLIDAYS: New Year Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day & Christmas Day.)

c. PAID HOLIDAYS: New Year Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day & Christmas Day.

Addendum No. 1 5-5-10

**LIST OF PURCHASERS OF INVITATION FOR BIDS**

Contract No.: BB 2176-000-006R

Price: \$25.00

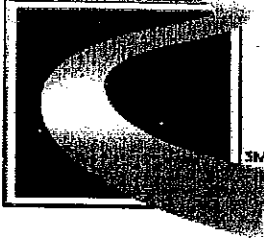
Bid Opening Date: May 12, 2010

Class: H

Carboline 9772 Red Clover Ct. Baltimore, MD 21234 P: (410) 663-4472 F: (410) 663-4479	North Star Painting Co., Inc. 3526 McCartney Rd. Youngstown, OH 44505 P: (330) 743-2333 F: (330) 743-3434	Atsalis Brothers Painting, Co. 22189 E. Fourteen Mile Rd. Clinton Twp., MI 48035 P: (586) 790-0123 F: (586) 790-9065
CDC/Bidtool One Oakbrook Terrace Suite 510 Oak Brook Terr., IL 60181 P: (512) 634-5966 F: (866) 714-9554	Blastech Enterprises, Inc. 2200 Van Deman St. Suite 100 Baltimore, MD 21224 P: (410) 633-7070 F: (410) 633-6886	Certified Coatings Co. 2320 Cordelia Rd. Fairfield, CA 94534 P: (707) 639-4424 F: (707) 432-0574
The Sherwin-Williams Co. 2049 Brown Rd. Finksburg, MD 21048 P: (410) 591-2718 F: (410) 861-9241	Saffo Contractors, Inc. 3235 Kitty Hawk Rd. Wilmington, NC 28405 P: (910) 371-9499 F: (910) 371-9422	Alpha / Liberty 6800 Quad Ave. Baltimore, MD 21237 P: (410) 288-6800 F: (410) 288-6805
Alpha Painting & Construction Co., Inc. 6800 Quad Ave. P: (410) 288-6800 F: (410) 288-6805	Atlas Painting and Sheeting Corporation 465 Creekside Dr. P: (716) 564-0490 F: (716) 564-0494	Abhe & Svoboda, Inc. 17066 Revere Way Prior Lake, MN 55372 P: (952) 447-6025 F: (952) 447-6951
ISI Professional Services, LLC 9600 Homestead Ct. Unit – E Laurel, MD 20723 P: (202) 587-2988 F: (240) 295-1268	East Coast Rigging & Contracting 8221 Main St. Laurel, MD 20724 P: (301) 362-8801 F: (301) 362-8805	Corcon, Inc. 3763 McCartney Rd. P. O. Box 214 Lowellville, OH 44436 P: (330) 536-2133 F: (330) 536-6875
Odyssey Contracting Corp. 2435 W. Pike St. Houston, PA 15342 P: (724) 745-1022 F: (724) 745-3220		

**NAICS Codes for Contract  
BB-2176-000-006R**

NAICS Codes	Descriptions
QP1 and QP2	QP1 and QP2 certification
238210	Electrical Contractors
562910	Remediation Services
238120	Structural Steel and Precast Concrete Contractors
327320	Ready-Mix Concrete Manufacturing
332312	Fabricated Structural Metal Manufacturing
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing
424950	Paint, Varnish, and Supplies Merchant Wholesalers
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers
423390	Other Construction Material Merchant Wholesalers



**Maryland  
Transportation  
Authority**

**Minority Business Enterprise  
(MBE)  
Program Hand-out**

Prepared By: Procurement and Statutory Program Compliance (PSPC)  
September 2009

## Contents

- Minority Business Enterprise (MBE) Program Highlights.....Pg.4
- Maryland Department of Transportation (MDOT)  
MBE Plan Form “A – D” for State Funded Bids and Proposals.....Pg. 9
- Good Faith Efforts Waiver Checklist.....Pg.13
- Minority / Disadvantage Business Enterprise Good  
Faith Efforts Policy Statement.....Pg.15
- Structural Steel Policy Statement.....Pg.19
- Using the MDOT MBE/DBE Directory (Example).....Pg.22
- Frequently asked Common Terms as Defined  
by the MDOT MBE Manual.....Pg.31
- Additional Information for Contractors.....Pg.34
- Prompt Payments to Subcontractors.....Pg.38
- Minority Business Enterprise Program  
Compliance -Contractors Notification.....Pg.46
- Monthly Minority Business Utilization Report  
Form for Primes and Subcontractors.....Pg.48

# MINORITY BUSINESS ENTERPRISE PROGRAM HIGHLIGHTS

## **Maryland Transportation Authority**

### **Minority Business Enterprise Program Highlights**

For purposes of MBE contract goal attainment and MBE Contract Compliance, the following information highlights the Maryland Department of Transportation (MDOT) Program Requirements:

1. Any participating MBE must be certified by MDOT to perform the item(s) of work /service selected for contract goal attainment.
2. Any participating MBE must serve a commercially useful function and may not act like a broker, unless it is certified as a broker (insurance or real estate). A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing and supervising the work involved and /or negotiates the cost of, arranges and accepts delivery of and pays for the materials or supplies required for the work of its contract. If, at any time before execution of the contract, the contractor determines that the designated MBE subcontractor has or will become unavailable, it immediately shall notify the Administration.
3. Any change in the approved MBE Plan must be approved in advance by the Administration and shall indicate the contractor's efforts to substitute another certified MBE subcontractor to perform the work.
4. Contract Goal Credits for Materials and Supplies.
  - a. A bidder may count toward its MBE goal expenditures for materials and supplies obtained from certified business suppliers, provided that the certified businesses assume the actual and contractual responsibility for the provision of the materials and supplies. The bidder may count its entire expenditure to a certified business supplier that manufactures or produces goods from raw material or that substantially alters goods

before resale. The bidder may count 60 percent of the expenditures to certified suppliers who are not manufactures towards its MBE goals.

- b. Double Payee (Joint) checks to MBEs and suppliers for materials used by an MBE subcontractor for its contracted work are allowable providing such a payment arrangement is offered to all subcontractor relationships and not restricted to just MBEs, and the MBE participates in scheduling the delivery of the materials and is fully responsible for ensuring that the materials meet specifications. However, when the contractor makes such payments, it is recommended that the payments be made by jointly endorsable checks signed by the contractor and MBE.
- c. For MBE firms that are not MBE regular dealers or manufacturers, a contractor may only count toward its MBE goal the fees charged for delivery of materials and supplies required on the job site (but not the cost of the materials and supplies themselves) when the trucking enterprise or delivery service is not also the manufacturer of or regular dealer in the materials and supplies, provided that the fee is determined by the administration to be reasonable and not excessive as compared with fees customarily allowed for similar services.

5. Third Tier Subcontracting. Third Tier Contracting is not the usual way for a prime contractor to achieve a MBE goal. However, there may be rare occasions when third tier contracting would be acceptable. Two conditions must be met before approval of a third tier contracting arrangement, which may be entered into to meet a MBE goal:

- a. The Authority must be satisfied that there is no way except by third tier contracting that a MBE/DBE goal can be achieved;
- b. The prime contractor must request of the Authority, in writing, prior to the awarding of a contract, that approval be granted for each third tier contract arrangement. The

request must contain the specifics as to why a third tier contracting arrangement is being requested to meet the MBE goal.

6. Waivers:

The Administration will strictly adhere to the requirement for documentation of any waiver requests as provided in COMAR. Accordingly, if, for any reason, a contractor is unable to achieve the contract goal or sub-goal MBE participation, it may request, in writing, an exception (waiver) to the goal with justification to include the following:

- a. A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE (s);
- b. A detailed statement of the efforts made to contract and negotiate with certified MBEs including:
  - (i) The names, addresses, dates and telephone numbers of MBEs contacted; and
  - (ii) A description of the information provided to MBEs regarding the plans, specifications and anticipated time schedule for portions of the work to be performed;
  - (iii) As to each certified MBE that placed a subcontract quotation or offer that your company considers not to be acceptable, a detailed statement of the reasons for this conclusion; and
  - (iv) A list of certified MBEs found to be unavailable. This list should be accompanied by a MBE Unavailability Certification (Form D-EEO-005) signed by the MBE, or a detailed statement from the contractor concerning the MBE's refusal to give the certification.

A waiver of a contract goal may be granted only upon a reasonable demonstration by the bidder or offeror that certified MBE participation was unable to be obtained or was unable to

be obtained at a reasonable price and if the Administration determines that a waiver serves the public interest.

7. MBE Contract Compliance Monitoring ....MBE contract compliance monitoring commences upon official award of the contract has been made and continues throughout the life of the contract. An assigned contract compliance officer will advise the contractor and all approved participating MBE subcontractors, in writing, of compliance requirements, monitoring activities and will request necessary records to establish MBE contractor compliance. If a contractor or any participating MBE subcontractor is found to be in non-compliance with the terms of MDOT's MBE Program or with the State's MBE Law, and fails or refuses to take the corrective action required, administrative sanctions may be imposed in order to promote the purpose of MDOT's MBE Program. These may be, suspension of work, withholding payment, referral of the matter to the Office of the Attorney General for action, or any other action that is authorized under the contract or by State or federal laws.

8. Fraud Provisions

Bidders are advised that Section 14-308 of the MBE Law provides that a person may prosecuted for a felony for the following acts:

- a. Fraudulently obtaining, holding or attempting to obtain or hold MBE certification;
- b. Aiding another person in fraudulently obtaining, holding or attempting to obtain or hold MBE certification;
- c. Willfully obstructing, impeding, or attempting to obstruct or impede a State official or employee or employee investigating the qualifications of a business entity that has requested certification;
- d. Fraudulently obtaining, attempting to obtain, or aiding another person in fraudulently obtaining or attempting to obtain, public monies to which the person is not entitled; or

- e. In any minority business enterprise matter administered under subtitle 14:
- (i) Willfully falsify, conceal, or cover up a material fact by any scheme or device;
  - (ii) Make a false or fraudulent statement or representation; or
  - (iii) Use a false writing or document that the person knows to contain a false statement or entry

Persons found guilty of violating these provisions are guilty of a felony and on conviction are subject to a fine not exceeding \$ 20,000 or imprisonment not exceeding five years, or both. Persons convicted under Section 14-308 may also be debarred from performing on State contracts by the Board of Public Works ("Board") for a period of time determined to be appropriate by the Board under the circumstances.

9. MBE Contract Support

Personnel of the Maryland Department of Transportation, its Administrations and the Authority offer contractor practicable support for MBE contract goal attainment. This assistance is available from Monday through Friday during normal business hours by calling 410-865-1269. Examples of MDOT Program assistance include:

**To Majority Contractors**

- Identifying subcontract items for goal attainment
- Answering questions related to MBE Program requirements

**To Minority Contractors**

- Answering questions related to MBE Program requirements
- Providing information on required contract records
- Referral to designated consultants for assistance for business related problems

**MARYLAND DEPARTMENT OF  
TRANSPORTATION  
(MDOT)  
MINORITY BUSINESS ENTERPRISE  
(MBE) FORMS  
STATE-FUNDED**

**“A” thru “D”  
For bids only**

**MDOT MBE FORM A**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT**  
**PAGE 1 OF 2**

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND  
SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.

In connection with the bid submitted in response to Solicitation No. \_\_\_\_\_, I affirm the following:

**1. MBE Participation (PLEASE CHECK ONLY ONE)**

☐ I have met the overall certified Minority Business Enterprise (MBE) participation goal of \_\_\_\_\_ percent ( \_\_\_\_\_ %) and the subgoal of \_\_\_\_\_ percent ( \_\_\_\_\_ %) for Women-Owned MBE firms and the subgoal of \_\_\_\_\_ percent ( \_\_\_\_\_ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Bids Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the dollar amounts set forth therein.

**OR**

☐ I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Bids Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the dollar amounts set forth therein.

**2. Additional MBE Documentation**

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts – Bids Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Bids Only );
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award.

**MDOT MBE FORM A**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT**  
**PAGE 2 OF 2**

**3. Information Provided to MBE firms**

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Date

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE**

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.**

PAGE 1 OF 2

**\*\*\* STOP \*\*\***

**FORM INSTRUCTIONS**  
**PLEASE READ BEFORE COMPLETING THIS FORM**

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at [www.mdot.state.md.us](http://www.mdot.state.md.us) to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit [www.naics.com](http://www.naics.com). Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email at [mbe@mdot.state.md.us](mailto:mbe@mdot.state.md.us).
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority, may approve a third-tier contracting agreement: (a) the bidder must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the dollar amount of the subcontract for purposes of achieving the MBE participation goals:
  - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
  - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
  - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee that the MBE firm will receive for the provision of such products/services in Line 4.1.
  - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE**

PAGE 2 OF 2

- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES (i) if the MBE firm is furnishing and installing the materials and is certified to perform these services, please include in Line 4.1 the total value of the subcontract amount (including full value of supplies); or (ii) if the firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the MBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). In Column 4, Section 4.2 of the MBE Participation Schedule, please state the amount of the subcontract for these supplies/products only (not installation) and sixty percent (60%) of such value.
7. **WARNING:** The percentage of MBE participation, computed using the dollar amounts in Column 4 for all of the MBE firms listed in Part 2, **MUST** at least equal the MBE participation goal and subgoals (if applicable) as set forth in MDOT MBE Form A – State-Funded Contracts (Bids Only) for this solicitation. If a bidder is unable to achieve the MBE participation goal and/or any subgoals (if applicable), then the bidder must request a waiver in Form A or the bid will be deemed not responsive. You may wish to use the Worksheet shown below to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

**WORKSHEET**

Total African American-Owned Firm Participation Amount	\$	<hr/>
(Add amounts listed for African-American Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent African American-Owned Participation	=	<hr/> %
<hr/>		
Total Women-Owned Firm Participation Amount	\$	<hr/>
(Add amounts listed for Women-Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent Women-Owned Firm Participation	=	<hr/> %
<hr/>		
Total MBE Firm Participation Amount	\$	<hr/>
(Add amounts listed for all MBE Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent Overall MBE Participation	=	<hr/> %

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 2 – MBE PARTICIPATION SCHEDULE**

**PART 2 MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.**

PAGE \_\_\_ OF \_\_\_

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the bidder requested a waiver in MDOT MBE Form A – State Funded Contracts (Bids Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S  NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the dollar amount of the products/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier, regular dealer, or broker. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer complete Line 4.2 using the 60% Rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____  <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		<p><b><u>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS)</u></b></p> <p>\$ _____</p> <p><b><u>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALE AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u></b></p> <p>Total value of Supplies/Products \$ _____</p> <p>X 60% (60% Rule) = \$ _____</p> <p>(Amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

☐ Please check if Continuation Sheets are attached.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**MBE PARTICIPATION SCHEDULE**  
**CONTINUATION SHEET**

PAGE \_\_\_\_ OF \_\_\_\_

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the bidder requested a waiver in MDOT MBE Form A – State Funded Contracts (Bids Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S  NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the dollar amount of the products/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier, regular dealer, or broker. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer complete Line 4.2 using the 60% Rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____  <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		<p><u>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS)</u></p> <p>\$ _____</p> <p><u>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u></p> <p>Total value of Supplies/Products \$ _____</p> <p>X 60% (60% Rule) = \$ _____</p> <p>(Amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

☐ Please check if Continuation Sheets are attached.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE**

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID. AS DIRECTED IN THE INVITATION TO BID.**

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT MBE Directory for each of the MBE firms listed in Part 2 of this MBE Form B for purposes of achieving the MBE participation goals and subgoals that were identified in the MBE Form A that I submitted with this solicitation, and that the MBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this MBE Form B.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Date

# MDOT MBE FORM C

## STATE-FUNDED CONTRACTS (BIDS ONLY) OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the bid submitted in response to Solicitation No. \_\_\_\_\_, I state the following:

1. Bidder took the following efforts to identify subcontracting opportunities in these specific work categories:
2. Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Bidder made the following attempts to personally contact the solicited MBE firms:

4. **Please Check One:**

☐ Bidder assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

☐ This project does not involve bonding requirements.

5. **Please Check One:**

- ☐ Bidder did attend the pre-bid meeting/conference
- ☐ No pre-bid meeting/conference was held.
- ☐ Bidder did not attend the pre-bid meeting/conference

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

**STATE-FUNDED CONTRACTS (BIDS ONLY)**  
**MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT**

IF THE BIDDER FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD.  
 SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that \_\_\_\_\_ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such Prime Contractor will enter into a contract with \_\_\_\_\_ (Subcontractor's Name) committing to participation by the MBE firm \_\_\_\_\_ (MBE Name) with MDOT Certification Number \_\_\_\_\_ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) will receive for at least \$ \_\_\_\_\_ (Total Subcontract Amount) for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative: _____	Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Address: _____	Federal Identification Number: _____	Federal Identification Number: _____
	Address: _____	Address: _____
Telephone: _____		
Date: _____	Telephone: _____	Telephone: _____
	Date: _____	Date: _____

**IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.**

PLEASE COMPLETE AND RETURN TO THE ABOVE ADDRESS;

It is hereby certified that:

\_\_\_\_\_  
(Name of Prime Contractor)

\_\_\_\_\_  
(Number) (Street) (City) (State) (Zip code)

On \_\_\_\_\_ contacted the Disadvantage/Minority Business Enterprise:  
(Date)

\_\_\_\_\_  
(Name of Sub-contractor)

\_\_\_\_\_  
(Number) (Street) (City) (State) (Zip code)

Seeking to obtain a Bid for work/service in relation to project/contract number: \_\_\_\_\_

List the type of work/service requested:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate the form of Bid sought:  
\_\_\_\_\_  
\_\_\_\_\_

Reason given by Sub-contractor for lack of participation:  
\_\_\_\_\_  
\_\_\_\_\_

Certification:

To the best of my knowledge and belief, said subcontractor is unavailable or unable to participate due to the above reason. Signature of Prime Contractor:

\_\_\_\_\_  
(Name) (Date)

The above statement is a true and accurate account of why my Firm is unable to participate. Signature of Sub-contractor:

\_\_\_\_\_  
(Name) (Date)

**MARYLAND DEPARTMENT OF  
TRANSPORTATION  
(MDOT)  
MINORITY BUSINESS ENTERPRISE  
(MBE) FORMS  
STATE-FUNDED**

**“A” thru “D”  
For Proposals only**

**MDOT MBE FORM A**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT**  
**PAGE 1 OF 2**

**THIS AFFIDAVIT MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT THIS AFFIDAVIT SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.**

In connection with the proposal submitted in response to Solicitation No. \_\_\_\_\_, I affirm the following:

**1. MBE Participation (PLEASE CHECK ONLY ONE)**

☐ I have met the overall certified Minority Business Enterprise (MBE) participation goal of \_\_\_\_\_ percent ( \_\_\_\_\_ %) and the subgoal of \_\_\_\_\_ ( \_\_\_\_\_ %) percent for Women-Owned MBE firms and the subgoal of \_\_\_\_\_ percent ( \_\_\_\_\_ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

**OR**

☐ I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

**2. Additional MBE Documentation**

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts – Proposals Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Proposals Only);
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain offeror's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award.

**MDOT MBE FORM A**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT**  
**PAGE 2 OF 2**

**3. Information Provided to MBE firms**

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Date

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE**

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.**

PAGE 1 OF 2

\*\*\* STOP \*\*\*

**FORM INSTRUCTIONS**  
**PLEASE READ BEFORE COMPLETING THIS FORM**

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at [www.mdot.state.md.us](http://www.mdot.state.md.us) to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit [www.naics.com](http://www.naics.com). Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to [mbe@mdot.state.md.us](mailto:mbe@mdot.state.md.us).
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority, may approve a third-tier contracting agreement: (a) the bidder must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the proposal in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the percentage of the Contract (as provided in price/financial proposal or any best and final offer) for purposes of achieving the MBE participation goal and subgoals (if applicable):
  - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
  - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
  - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee as a percentage of Contract that the MBE firm will receive for the provision of such products/services in Line 4.1.
  - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1 as a percentage of Contract.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**  
**PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE**  
**PAGE 2 OF 2**

- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES (i) if the MBE firm is furnishing and installing the materials and is certified to perform these services, please include in Line 4.1 the total value of the subcontract amount (including full value of supplies); or (ii) if the firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the MBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). In Line, 4.2 of the MBE Participation Schedule, please state amount of the subcontract for these supplies/products only (not installation) and sixty percent (60%) of such value.
7. **WARNING:** Please note that the cumulative MBE participation in Column 4 for all of the MBE firms listed in Part 2 MUST at least equal the MBE participation goal and subgoals (if applicable) as set forth in MDOT MBE Form A – State-Funded Contracts (Proposals Only) for this solicitation. If an offeror is unable to achieve the MBE participation goals and/or any subgoals (if applicable), then the offeror must request a waiver in Form A or it may result in a determination that the proposal is not susceptible of being selected for award.

Worksheet shown below to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

**WORKSHEET**

Total African American Owned Firm Participation Amount	\$	<hr/>
(Add amounts listed for African American Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent African American-Owned Participation	=	<hr/> %
<hr/>		
Total Women-Owned Firm Participation Amount		<hr/>
(Add amounts listed for Women-Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent Women-Owned Firm Participation	=	<hr/> %
<hr/>		
Total MBE Firm Participation Amount	\$	<hr/>
(Add amounts listed for all MBE Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
<b>Percent Overall MBE Participation</b>	=	<hr/> %

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 2 – MBE PARTICIPATION SCHEDULE**

**PART 2 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 OF THE MBE PARTICIPATION SCHEDULE SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE TO BEING SELECTED FOR AWARD.**

PAGE \_\_\_ OF \_\_\_

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S  NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	<p>Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.</p> <p>FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE Firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule.</p>
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	<p>Certification Number: _____</p> <p><input type="checkbox"/> Women-Owned  <input type="checkbox"/> African American-Owned  <input type="checkbox"/> Other MBE Classification</p>		<p><b>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR - PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE, (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS – SEE 4.2 BELOW)</b></p> <p>_____ %</p> <p><b>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</b></p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

☐ Please check if Continuation Sheets are attached.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**  
**CONTINUATION SHEET**

PAGE \_\_ OF \_\_

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S  NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	<p>Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.</p> <p>FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE Firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule.</p>
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____  <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		<p><b>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE - EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS)</b></p> <p>_____ %</p> <p><b>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</b></p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

☐ Please check if Continuation Sheets are attached.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE**

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION.**

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT MBE Directory for each of the MBE firms listed in Part 2 of this MBE Form B for purposes of achieving the MBE participation goals and subgoals that were identified in the MBE Form A that I submitted with this solicitation, and that the MBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this MBE Form B.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief.

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Company Name

---

Signature of Representative

---

Address

---

Printed Name and Title

---

City, State and Zip Code

---

Date

# MDOT MBE FORM C

## STATE-FUNDED CONTRACTS (PROPOSALS ONLY) OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the offer/proposal submitted in response to Solicitation No. \_\_\_\_\_, I state the following:

1. Offeror took the following efforts to identify subcontracting opportunities in these specific work categories:
2. Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Offeror made the following attempts to personally contact the solicited MBE firms:
4. **Please Check One:**
  - ☐ Offeror assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

☐ This project does not involve bonding requirements.

5. **Please Check One:**
  - ☐ Offeror did attend the pre-proposal meeting/conference
  - ☐ No pre-proposal meeting/conference was held.
  - ☐ Offeror did not attend the pre-proposal meeting/conference

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

# STATE-FUNDED CONTRACTS (PROPOSALS ONLY)

## MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that \_\_\_\_\_ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such Prime Contractor will enter into a contract with \_\_\_\_\_ (Subcontractor's Name) committing to participation by the MBE firm \_\_\_\_\_ (MBE Name) with MDOT Certification Number \_\_\_\_\_ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) will receive for at least \_\_\_\_\_% (Total Subcontract Amount – as a percentage of total Contract value) for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative: _____	Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Address: _____	Federal Identification Number: _____	Federal Identification Number: _____
	Address: _____	Address: _____
Telephone: _____		
Date: _____	Telephone: _____	Telephone: _____
	Date: _____	Date: _____

**IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.**

PLEASE COMPLETE AND RETURN TO THE ABOVE ADDRESS;

It is hereby certified that:

\_\_\_\_\_  
(Name of Prime Contractor)

\_\_\_\_\_  
(Number) (Street) (City) (State) (Zip code)

On \_\_\_\_\_ contacted the Disadvantage/Minority Business Enterprise:  
(Date)

\_\_\_\_\_  
(Name of Sub-contractor)

\_\_\_\_\_  
(Number) (Street) (City) (State) (Zip code)

Seeking to obtain a Bid for work/service in relation to project/contract number: \_\_\_\_\_

List the type of work/service requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate the form of Bid sought:

\_\_\_\_\_  
\_\_\_\_\_

Reason given by Sub-contractor for lack of participation:

\_\_\_\_\_  
\_\_\_\_\_

Certification:

To the best of my knowledge and belief, said subcontractor is unavailable or unable to participate due to the above reason. Signature of Prime Contractor:

\_\_\_\_\_  
(Name) (Date)

The above statement is a true and accurate account of why my Firm is unable to participate. Signature of Sub-contractor:

\_\_\_\_\_  
(Name) (Date)

# **GOOD FAITH EFFORTS WAIVER CHECKLIST**

**PRIME CONTRACTORS'**  
**GOOD FAITH EFFORTS/WAIVER CHECKLIST**

**Prime Contractors who put Good Faith into action will:**

- ✓ Use direct solicitation, minority/women community organizations, contractors' groups, and local, state, and federal minority/women-owned business assistance offices to reach MBE's;
- ✓ Identify and assist firms that may need bonding, lines of credits, insurance, equipment, and other related issues; or assist firms that are not certified but could possibly serve on a contract and satisfy DBE/MBE goals by becoming certified;
- ✓ Identify clear sub-contractible work that will enable MBE's to compete;
- ✓ Provide the MBEs with proper information regarding the job; to include plans, specifications, and anticipated time schedule for portions of the work to be performed;
- ✓ Coordinate pre-bid meetings to inform MBEs of contracting and subcontracting opportunities;
- ✓ Advertise in general circulation, trade associations, and minority focused media concerning the subcontracting opportunities;
- ✓ Provide written notice to all certified MBEs who are certified in the work areas and have capabilities of the contract for which their participation is solicited (Contractor must allow a minimum of 10 days for the MBEs to respond to the written solicitation.); and
- ✓ Follow up on initial solicitations of interest by contacting MBEs to determine if the MBEs are interested (Contractor must detail the efforts showing names, addresses, dates, and telephone numbers of the certified MBEs contacted along with a description of information provided.)

**Prime Contractors who have done the above and are submitting a waiver will:**

- ✓ Document everything listed above;
- ✓ As required by regulations provide a written request for a waiver;
- ✓ Provide detailed statements of efforts to achieve the goal; to include the name, address and telephone number of all DBE/MBEs contacted, as well as the date of contact;
- ✓ Provide a list of unavailable MBEs, including a Minority Contractor Unavailability Certification Form (Form D-005) signed by an owner or officer of each unavailable DBE/MBE (If the DBE/MBE refused to sign D-005, the contractor will /should submit a statement regarding this refusal.);
- ✓ If the contractor deems a DBE/MBE to be unqualified and rejects the DBE/MBE, the contractor will provide written explanation of this decision (Contractor's reasoning must be based on a thorough investigation of MBE capabilities.);
- ✓ Provide evidence that the contractor tried to negotiate in good faith with interested MBEs;
- ✓ Demonstrate that certified MBE participation was unable to be obtained at a reasonable price or that public interest is best served by a waiver;
- ✓ Demonstrate a reasonable effort to meet the overall MBE goal with other MBE classifications if the request for a waiver is for a certain MBE classification within an overall MBE goal; and
- ✓ Provide evidence from prior projects showing that the contractor has previously successfully met or exceeded assigned MBE goals.

**MDOT  
MINORITY/DISADVANTAGE  
BUSINESS ENTERPRISE  
GOOD FAITH EFFORTS POLICY  
STATEMENT**

# MARYLAND DEPARTMENT OF TRANSPORTATION

## POLICY STATEMENT – GOOD FAITH EFFORTS

April 22, 2004

### **MINORITY/DISADVANTAGED BUSINESS ENTERPRISES**

It is the policy of the Maryland Department of Transportation (MDOT) that businesses owned by socially and economically disadvantaged person(s) shall have the maximum feasible opportunity to participate in the performance of contracts awarded by MDOT. The MDOT requires its contractors and subcontractors not to discriminate on the basis of race, color, religion, national origin, sex or disability in the award or performance of contracts. In support of this commitment, the MDOT has adopted the following Good Faith Efforts (GFE) Policy, which shall be applicable to all contracts awarded by the MDOT or its modal administrations.

In accordance with 49 CFR, Part 26, 53 and Md. Code Ann., State Fin. & Proc. Art., 14-302, the MDOT shall award a contract only to a bidder/offeror that makes GFE to meet the Minority Business Enterprise (MBE) or Disadvantaged Business Enterprise (DBE) contract goal. A determination that a bidder/offeror has made GFE shall only be made upon a determination by the MDOT that the bidder/offeror has shown that it:

- Has obtained enough MBE or DBE participation to meet the contract goal; or
- Has taken all necessary and reasonable steps to achieve the goal, which by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/DBE participation, even if they were ultimately unsuccessful.

The MDOT will make a fair and reasonable judgment whether a bidder/offeror who did not meet the goal made adequate GFEs. This policy expands the definition of GFE to allow greater flexibility to ensure DBE/MBE participation is obtained.

At a minimum, a statement of GFE submitted by the bidder/offeror shall include:

1. The name, address, and telephone number of all DBE/MBEs contacted, as well as the date of contact;
2. A description of the information provided to the contacted DBE/MBEs regarding the plans, specifications and anticipated time schedule for portions of the work to be performed;
3. As appropriate, a detailed statement of the reasons why a DBE/MBE quotation was considered unacceptable; and
4. As appropriate, a list of DBE/MBE contractors found to be unavailable. For DBE/MBE contractors that are unavailable, the bidder/offeror shall provide a Minority Contractor Unavailability Certificate Form (Form D-005) signed by an owner or officer of the DBE/MBE. If

a DBE/MBE refuses to sign the unavailability certificate, the bidder/offeror shall submit a statement indicating as such.

To aid in the determination of whether the bidder/offeror has shown GFE, the MDOT may also look at the percentage of DBE/MBE participation obtained by other bidders/offerors on the procurement.

In addition to the requirements above, the following is a list of outreach efforts that MDOT will consider as part of the bidder/offeror's GFE to obtain DBE/MBE participation. Bidders/offerors shall be encouraged to offer innovative GFE initiatives to demonstrate GFE. MDOT administrations have the flexibility to approve such innovative initiatives. The following list is illustrative only and not intended to be exhaustive.

In a GFE determination, MDOT administrations may consider any information provided by a bidder/offeror concerning the following outreach efforts:

1. The bidder/offeror's efforts to solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of certified DBEs/MBEs that may have the capability to perform the work of the contract. The bidder/offeror should present evidence that it solicited this interest within adequate time to allow the DBEs/MBEs to respond to the solicitation. The bidder/offeror should also provide evidence that it took appropriate steps to follow up initial solicitations.
2. The bidder/offeror's selection of the work to be performed by DBEs/MBEs in order to increase the likelihood that the DBE/MBE contract goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE/MBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. The bidder/offeror's actions to provide interested DBEs/MBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. The bidder/offeror's negotiations with DBE/MBEs
  - a. Negotiating in good faith with interested DBEs/MBEs. It is the bidder/offeror's responsibility to make a portion of the work available to DBE/MBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE/MBE subcontractors and suppliers. Evidence of such negotiation shall include the names, addresses, and telephone numbers of DBEs/MBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and information as to why additional agreements could not be reached for DBEs/MBEs to perform the work.
  - b. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE/MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs/MBEs is not in itself sufficient reason for a bidder/offeror's failure to meet the contract DBE/MBE goal, as

long as such costs are reasonable. Also, the ability or desire of a bidder/offeror to perform the work of a contract with its own organization does not relieve that bidder/offeror of the responsibility to make GFE to meet the contract goal. This policy does not require a prime contractor to accept a higher quote from a DBE/MBE if the price is excessive or unreasonable.

5. The bidder/offeror must provide sound reasons for rejecting a DBE/MBE as unqualified. Any rejection of a DBE/MBE as unqualified shall be based on a thorough investigation of its capabilities. The DBE/MBE's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employees status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. The bidder/offeror's efforts to assist interested DBEs/MBEs in obtaining bonding, lines of credit, or insurance as required by the owner or contract.
7. The bidder/offeror's efforts, with prior written approval of the MDOT agency, to assist interested DBEs/MBEs to obtain necessary equipment, supplies, materials, or related assistance or services.
8. The bidder/offeror's effective use of the services of available minority/women community organizations; minority/women contractors' groups; local, state and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE/MBE.
9. The bidder/offeror's efforts to identify and assist firms that are not certified but could possibly service on a contract and satisfy DBE/MBE goals if the firm were to be certified by the MDOT.
10. Evidence of the bidder/offeror's record of meeting or exceeding DBE/MBE participation goals on prior projects.

This policy applies to all MDOT contracts that contain a DBE/MBE participation goal. All MDOT personnel are responsible for implementing and adhering to this policy.

# **MDOT STRUCTURAL STEEL POLICY STATEMENT**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

**POLICY STATEMENT – STRUCTURAL STEEL/LARGE SUPPLY ITEMS**

**(Revised May 13, 2003)**

**MINORITY/DISADVANTAGED BUSINESS ENTERPRISES**

The policy supercedes the Maryland Department of Transportation (MDOT) Structural Steel/Large Supply Items policy dated September 22, 1994.

MDOT and the Maryland Transportation Authority (MdTA) are committed to providing the maximum amount of contracting opportunities to certified Disadvantaged Business Enterprises (DBEs) and Minority Business Enterprises (MBEs). This policy statement affirms MDOT's efforts to maximize DBE/MBE participation on contracts to the greatest extent possible and applies to all contracts that contain a DBE/MBE goal.

The previous policy excluded Structural Steel as a sub-contractible item available for DBE/MBE participation since there were no structural steel manufacturers certified by MDOT. This exemption is no longer applicable since firms have now been certified under this category.

Structural steel as an item of supply may be included as a sub-contractible item for the setting of DBE/MBE goals on contracts.

In addition, structural steel as an item of supply may be used to obtain or count minority business participation credit under the DBE/MBE Program. The installation or erection of structural steel can be included as a sub-contractible item for goal setting, and as an item available for DBE/MBE participation.

The definition to be used for this policy is as follows:

The term structural steel refers to the steel elements of the structural steel frame that are essential to the support of the design loads for buildings and bridges, as well as the steel elements in tunnel linings.

Beyond this policy on structural steel, it is vitally important for each MDOT agency and MdTA to apply the provisions of the DBE/MBE program for furnishings and installing large supply items. This policy emphasizes that it is necessary for the DBE/MBE to have a necessary and useful role in the complete business transaction, and a role that is visible outside of the context of the DBE/MBE Program. The role of the firm cannot be a superfluous step to obtain credit for a DBE/MBE goal.

In order for a prime contractor to receive full credit for a large supply item being furnished by a DBE/MBE subcontractor as a "furnish and install" item of work, the DBE/MBE regulations require that the DBE/MBE firm must:

1. Initiate and negotiate the purchase of the steel and/or any large supply item;
2. Be invoiced directly for the cost; and
3. Assume complete responsibility and liability for the item.

To further assist the MDOT agencies in making determinations in this area, the following guidelines are put forth:

1. Count expenditures with DBE/MBEs for materials or supplies toward the goals as provided in the following:
  - a. If the materials or supplies are obtained from a DBE/MBE manufacturer, count 100 percent of the cost of the materials or supplies toward MBE goals.
  - b. For purposes of this policy, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
  - c. If the materials or supplies are purchased from a DBE/MBE regular dealer, count 60 percent of the cost of the materials or supplies toward MBE goals.
2. For purposes of this policy and in accordance with 49CFR25.55(e) and the Program Manual, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are brought, kept in stock, and regularly sold or leased to the public in the usual course of business.
3. To be a regular dealer, the first must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

A person may be a regular dealer in bulk items such as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad-hoc or contract-by-contract basis.

The Department's Contract Compliance Monitoring Procedures provide the necessary guidance on determining DBE/MBE credit on large supply items. There are several compliance questions, which need to be answered prior to a prime contractor receiving full credit for a DBE/MBE furnish and install item. These questions should include:

1. Who was responsible for setting the dollar amount allotted for supplies on the forms detailing the subcontracted work?
2. How was the cost of supplies derived? Who negotiated the price?
3. Who is responsible for taking delivery of the materials?
4. Who issues the check to pay for the materials?
5. Who assumes contractual and legal responsibility for the materials?
6. Are the materials properly accounted for in the financial records of the subcontractor and not in the records of the prime contractor?

It should be made clear at the beginning of a contract that obtaining participation through the counting of large supply items must comply with the Department's regulations. This also extends to the amount of credit given for the supply items on each contract.

The burden rests on each administration to assess each individual contract prior to the approval of the DBE/MBE package and to monitor the contract closely for compliance. We must continually work to make sure this program brings real benefits to the minority business community.

**USING THE MDOT  
MBE/DBE  
DIRECTORY  
(EXAMPLE)**



### Terms of Use

The Minority Business Enterprise Directory is intended to be used as a guide for selecting certified Minority Business Enterprises to utilize on State and/or USDOT assisted contracts. Information in the directory should be verified with the Maryland Department of Transportation's Office of Minority Business Enterprise.

This web site and the information it contains are provided as a public service by the Maryland Department of Transportation (MDOT). The MDOT maintains this Minority Business Enterprise/Disadvantaged Business Enterprise (MBE/DBE) Directory for the purpose of providing a reference source of the firms certified by the MDOT as MBE/DBEs.

The MBE/DBE Directory lists certified firms in alphabetical order and also contains information on the specific products and/or services the firm is certified to provide. The MDOT makes no claims, promises, or guarantees regarding a certified MBE/DBE's competence or capability to perform. It is the responsibility of the user of the information provided here to make his/her own determination regarding the capability, competence, and/or limitations of a certified MBE/DBE firm.

The MDOT makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this web site and expressly disclaims liability for errors and omissions in the contents of this web site. No warranty of any kind is given with respect to the contents of this web site or any links to other web sites it may contain. Reference in this web site to any specific commercial product, process, or service, or the use of any trade or business name is for the information of the public and does not constitute an endorsement or recommendation by the MDOT.

Information presented on this web site is considered public information and may be copied and/or distributed. If there is a question concerning the validity of the information provided in this directory, contact the Maryland Department of Transportation's Office of Minority Business Enterprise. You may contact the office at (410) 865-1269 or (800) 544-6056.



Check this box to bypass this page on future visits and go straight to the directory.

Next -->

# EXAMPLE



### Using the Directory

Firms are certified per industry using the North American Industry Classification System (NAICS). Each assigned code is accompanied by a certification status designation.

Please be advised of the following definitions:

The **"MBE/DBE"** designation indicates the firm is qualified for ANY State of Maryland Contract including USDOT assisted contracts of the MDOT; these include contracts let by the Maryland State Highway Administration, the Maryland Aviation Administration, and the Maryland Transit Administration.

The **"MBE ONLY"** designation indicates the firm is qualified for State-only Funded Contracts and not USDOT assisted contracts of the MDOT.

The **"DBE ONLY"** designation indicates the firm is qualified to participate only on USDOT assisted contracts of the MDOT.

The **"GRADUATED"** designation indicates the firm has graduated in that particular NAICS Code for which it has been certified per Federal and State Regulations. The MBE remains certified but may not participate as a certified MBE/DBE on State and USDOT assisted contracts.

PLEASE NOTE: Effective October 1, 2000, the Small Business Administration established the use of the North American Industry Classification System (NAICS) Codes which replaced the Standard Industrial Classification (SIC) Codes. The Maryland Department of Transportation Office of Minority Business Enterprise has converted the SIC Codes to the NAICS Codes. Please contact the Office of Minority Business Enterprise if you have questions regarding any information on any firm listed in this Directory.

[Click here for information regarding small business size standards.](#)

Next -->

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# EXAMPLE

**Searching the Database**

The MBE/DBE directory is updated daily. There are currently **4,555** certified firms participating in the program. All search results display in a fixed format and are downloadable as an XLS file on the result page.

**\*\*PRINTING TIP\*\*** - Web browser print margins (left and right) must be set no greater than .25" to prevent data from being cut off when printing in portrait mode. Print margins are typically changed in the FILE - PAGE SETUP menu.

**Immediate Downloads (XLS files)**

Download firms certified during the past calendar year or download the entire directory.

**Custom Search**

Select single, multiple, or select all fields from the list below. To restart a search begin by clearing all fields. Custom searches require the selection of at least one searchable data field.

☐ Minority Status☐ Firm Name☐ County (Maryland firms only)☐ Certification Number☐ Product or Service☐ NAICS Code☐ City☐ State☐ Street Address☐ Zip Code☐ Phone Number☐ Contact Name**EXAMPLE**



## Custom Search

The system will search all **4,555** certified firms in the database. Separate keywords with single spaces.  
Fields left empty will not be searched and will have no effect on the result.

### Field Name

### Search Terms [\[clear all fields\]](#)

### Search Context

NAICS code(s):  
[about NAICS codes](#)

237310	*
	*
	*
	*
	*

Find ALL of these codes

# EXAMPLE

# EXAMPLE



## MDOT Directory of Certified MBE and/or DBE firms

[BACK](#) | [EXIT](#)

### Custom Search




NAICS CODES like "237310"

170 certified firms were found using the above criteria. Download this result set as an [XLS file](#).  
Select a firm name to view the individual firm profile or [view all profiles](#) at once.

You can [make a custom list](#) of firms based on this result set.

### Firm Details

### NAICS - Product and Service Description

 <b>A &amp; M CONCRETE CORPORATION</b> 43760 TRADE CENTER PLACE, #160 DULLES, VA 20166 FEMALE 96-083	<b>237310-MBE-ONLY - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION</b> (SPECIFICALLY: CURB AND GUTTER, SIDEWALK, PAVERS, SLABS)
	<b>238110-MBE-ONLY - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS</b> (SPECIFICALLY: CONCRETE WORK)
	<b>238140-MBE-ONLY - MASONRY CONTRACTORS</b>
 <b>A &amp; S ASSOCIATES, INC.</b> 8855 WALKER MILL ROAD CAPITOL HEIGHTS, MD 20743 ASIAN AMERICAN 03-469	<b>236210-MBE/DBE - INDUSTRIAL BUILDING CONSTRUCTION</b>
	<b>236220-MBE/DBE - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION</b>
	<b>237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION</b> (SPECIFICALLY: HIGHWAY AND STREET CONSTRUCTION, EXCEPT ELEVATED HIGHWAYS)
	<b>238140-MBE/DBE - MASONRY CONTRACTORS</b> (SPECIFICALLY: MASONRY, STONE SETTING, AND OTHER STONE WORK)
 <b>A2Z ENVIRONMENTAL GROUP, LLC</b> 311 S. HAVEN STREET BALTIMORE, MD 21224 FEMALE 01-080	<b>238220-MBE/DBE - PLUMBING, HEATING, AND AIR-CONDITIONING CONTRACTORS</b>
	<b>237110-MBE/DBE - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION</b> (SPECIFICALLY: PLACEMENT OF UNDERDRAINS AND OUTLETS)
	<b>237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION</b> (SPECIFICALLY: PAVEMENT LINE STRIPING REMOVAL)
	<b>237990-MBE/DBE - OTHER HEAVY AND CIVIL ENGINEERING CONSTRUCTION</b>

(SPECIFICALLY: INSTALLATION/MAINTENANCE OF EROSION CONTROL DEVICES, SILT/SUPER SILT FENCE, ORANGE CONSTRUCTION FENCE, SEDIMENT EXCAVATION/CLEANOUT/EARTH DIKES, DIVERSION/SUPER DIVERSION FENCE, TYPE B & C MATTING)

**238910-MBE/DBE - SITE PREPARATION CONTRACTORS**

(SPECIFICALLY: EXCAVATION CONTRACTOR, GRUBBING/CLEARING; BRIDGE DEMOLITION/REMOVAL OF BRIDGE DECK, REMOVAL OF MANHOLES, TRAFFIC BARRIERS AND PIPES, INTERIOR AND EXTERIOR DEMOLITION, AND PLACEMENT OF TOPSOIL)

**423320-MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALEERS**

(SPECIFICALLY: CONCRETE CRUSHING AND/OR TIRE SHREDDING FOR RESALE)

**484220-MBE/DBE - SPECIALIZED FREIGHT (EXCEPT USED GOODS) TRUCKING, LOCAL**  
(STONE, MILLING DEBRIS, TOP SOIL, SPECIALTY HAULING)

**561730-MBE/DBE - LANDSCAPING SERVICES**

(SPECIFICALLY: SEEDING/MULCHING REFERTILIZATION, LIMESTONE APPLICATION, RESEEDING/SOD, WATERING, TOPSOIL PLACEMENT)

**562111-MBE/DBE - SOLID WASTE COLLECTION**

**562112-MBE/DBE - HAZARDOUS WASTE COLLECTION**

**562910-MBE/DBE - REMEDIATION SERVICES**

(ENVIRONMENTAL CLEANUP, UNDERGROUND TANK TESTING AND REMOVAL)

**562998-MBE/DBE - ALL OTHER MISCELLANEOUS WASTE MANAGEMENT SERVICES**

(CLEANING OF EXISTING PIPES AND INLETS AND SCOPING OF DRAINS, AND SEPTIC TANK CLEANING)

**AB CONSTRUCTION, INC.**  
9450 ANNAPOLIS ROAD  
LANHAM, MD 20706  
ASIAN AMERICAN  
04-313

**236115-MBE-ONLY - NEW SINGLE-FAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)**

**236116-MBE-ONLY - NEW MULTIFAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)**

**236210-MBE-ONLY - INDUSTRIAL BUILDING CONSTRUCTION**

**236220-MBE-ONLY - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION**

**237110-MBE-ONLY - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION**

**237210-MBE/DBE - LAND SUBDIVISION**

**237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION**

**237990-MBE/DBE - OTHER HEAVY AND CIVIL ENGINEERING CONSTRUCTION**

(SPECIFICALLY: HIGHWAY, STREET, AND BRIDGE CONSTRUCTION MANAGEMENT)

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**238110-MBE-ONLY - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS**

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**238120-MBE-ONLY - STRUCTURAL STEEL AND PRECAST CONCRETE CONTRACTORS**

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**238140-MBE-ONLY - MASONRY CONTRACTORS**

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**238910-MBE-ONLY - SITE PREPARATION CONTRACTORS**

(SPECIFICALLY: SOIL REMEDIATION SERVICES, DEMOLITION, CLEARING, GRADING, DRAINAGE, AND DEMOLITION)

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**541380-MBE-ONLY - TESTING LABORATORIES**

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**AB CONSULTANTS, INC.**  
9450 ANNAPOLIS ROAD  
LANHAM, MD 20706  
ASIAN AMERICAN  
94-165

236115-MBE/DBE, 236116-MBE/DBE, 236210-MBE/DBE, 236220-MBE/DBE,  
237110-MBE/DBE, 237310-MBE/DBE, 238110-MBE/DBE, 238120-MBE/DBE,  
238140-MBE/DBE, 541330-MBE-ONLY, 541370-MBE-ONLY, 541380-MBE/DBE,  
561210-MBE/DBE

ENGINEERING SERVICES: CIVIL, GEO-TECHNICAL, STRUCTURAL, AND DESIGN - ENGINEERING SERVICE PROFESSIONAL; ENVIRONMENTAL ENGINEERING/REMEDIATION (PHASE I-III), SURVEYING SERVICES, MULTIFAMILY HOUSING CONSTRUCTION, MANUFACTURING AND INDUSTRIAL BUILDING CONSTRUCTION, SINGLE FAMILY HOUSING CONSTRUCTION, COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION, HIGHWAY AND STREET CONSTRUCTION, BRIDGE, WATER, SEWER, AND PIPELINE CONSTRUCTION, CONCRETE WORK, MASONRY WORK, STRUCTURAL STEEL, CONSTRUCTION MANAGEMENT, TESTING LABORATORIES

**ABSOLUTELY STRAIGHT LLC**  
10015 OLD COLUMBIA ROAD,  
SUITE B-215  
COLUMBIA, MD 21046  
FEMALE  
07-231

**237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION**  
(SPECIFICALLY: PARKING LOT STRIPING)

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**238390-MBE/DBE - OTHER BUILDING FINISHING CONTRACTORS**  
(SPECIFICALLY: PARKING LOT SEAL COATING AND OTHER PARKING LOT MAINTENANCE)

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**ACORN BUILDING SERVICES CORP.**  
P.O. BOX 97  
SPENCERVILLE, MD 20867-0097  
AFRICAN AMERICAN  
05-404

**237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION**  
(SPECIFICALLY: CONCRETE PAVING, PUBLIC SIDEWALKS, CURBS AND STREET CUTTERS, SIDEWALK, PUBLIC CONSTRUCTION)

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**238320-MBE/DBE - PAINTING AND WALL COVERING CONTRACTORS**  
(SPECIFICALLY: INTERIOR PAINTING)

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**238350-MBE/DBE - FINISH CARPENTRY CONTRACTORS**

(SPECIFICALLY: ALUMINUM DOOR AND WINDOW RESIDENTIAL TYPE INSTALLATION, DECK CONSTRUCTION RESIDENTIAL-TYPE, DOOR, FOLDING INSTALLATION, PREFABRICATED SASH AND DOOR INSTALLATION, WINDOW AND DOOR (RESIDENTIAL TYPE) OF ANY MATERIAL PREFABRICATED, INSTALLATION, WINDOW INSTALLATION, WINDOW, METAL-FRAME RESIDENTIAL-TYPE INSTALLATION, WINDOW, WOOD, INSTALLATION)

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**238990-MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS**

(SPECIFICALLY: CLEANING BUILDING INTERIORS DURING AND IMMEDIATELY AFTER CONSTRUCTION, CLEANING NEW BUILDING INTERIORS IMMEDIATELY AFTER CONSTRUCTION; CONCRETE PATIO CONSTRUCTION, SLAB, CONCRETE PAVING RESIDENTIAL, DRIVEWAY, CURB & GUTTER RESIDENTIAL AND COMMERCIAL DRIVEWAY AND PARKING AREA, CONCRETE, CONCRETE SAWING AND DRILLING, PATIO CONSTRUCTION, PAVERS, BRICK, PATIO INSTALLATION, SIDEWALK CONSTRUCTION RESIDENTIAL AND COMMERCIAL)

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**561720-MBE/DBE - JANITORIAL SERVICES**

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(SPECIFICALLY: CARPENTRY WORK, CONSTRUCTION CLEAN UP)

AFRAM, INC.  
5450 REISTERSTOWN ROAD,  
SUITE 101  
BALTIMORE, MD 21215  
AFRICAN AMERICAN  
92-090

237310-MBE/DBE, 238110-MBE/DBE, 238310-MBE/DBE, 238320-MBE/DBE

CONCRETE WORK, PAVING, HIGHWAY AND STREET CONSTRUCTION, PAINTING, PLASTERING,  
DRYWALL, ACOUSTICAL, AND INSULATION WORK.

AGGREGATE PLACEMENT  
CORP.  
4420 HAWTHORNE ROAD  
INDIAN HEAD, MD 20640  
FEMALE  
05-429

237310-MBE/DBE, 238110-MBE/DBE, 238990-MBE/DBE

CONCRETE WORK-SIDEWALKS; PAVING TO INCLUDE: PARKING LOTS, SLAB, CURB AND GUTTERS;  
CONCRETE CONSTRUCTION TO INCLUDE: WALLS, DECKS, STORM WATER MANAGEMENT, AND WASTE  
WATER TREATMENT PLANTS.

AJO CONCRETE  
CONSTRUCTION, INC.  
8820 HILDER AVENUE  
ANNAPOLIS  
JUNCTION, MD 20701  
HISPANIC AMERICAN  
01-148

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION  
(SPECIFICALLY: HIGHWAY AND ROAD MILLING GRINDING SERVICES)

238110-MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS  
(SPECIFICALLY: SIDEWALKS, CURB, SLAB & PAD, WALLS, DRIVEWAYS, ASPHALT PATCHING &  
DRIVEWAYS)

327320-MBE/DBE - READY-MIX CONCRETE MANUFACTURING

423320-MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT  
WHOLESALEERS  
(SPECIFICALLY: READY-MIX CONCRETE MANUFACTURING THE DISTRIBUTION, BRICK, STONE AND  
RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALEERS (CONCRETE MIX))

488490-MBE/DBE - OTHER SUPPORT ACTIVITIES FOR ROAD TRANSPORTATION  
(SPECIFICALLY: SNOW CLEARING, HIGHWAYS AND BRIDGES)

**EXAMPLE**

# **FREQUENTLY ASKED COMMON TERMS AS DEFINED IN THE MDOT MBE MANUAL**

## **Common Terms as defined in the MDOT MBE Manual**

**Third Tier Contracting** – The process in which a prime contractor subcontracts a portion of an original contract to a subcontractor who in turn subcontracts a portion of a subcontract to a third party. This latter action is termed entering into a third tier contract.

**Supplier** – a regular dealer, who owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of a contract are placed, kept in stock, and regularly sold to the public in the usual course of business.

The supplier must perform a commercially useful function consistent with normal industry practices. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and the sale of the products in question.

A supplier of bulk goods (Cement, gravel, stone, and petroleum products) may qualify as a regular dealer if it either maintains an inventory or owns or operates distribution equipment. With respect to the distribution equipment (A fleet of trucks), the term “operates” is intended to cover a situation in which the supplier leases the equipment on a regular basis for its entire business. It is not intended to cover a situation in which the firm simply provides drivers for trucks owned or leased by another party, (such as a prime contractor) or leases such a party’s trucks on an ad-hoc basis for a specific job.

**Regular Dealer** – A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

To be a regular dealer, the firm must engage in , as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as cement, gravel, stone and petroleum need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.

A regular dealer must be engaged in selling the product in question to the public. This is important in distinguishing a Regular Dealer, which has a regular trade with a variety of customers, from a firm which performs supply-like functions on an ad-hoc basis or for only one or two contractors with whom it has a special relationship.

A business that simply transfer title of a product from manufacturer to ultimate purchaser (e.g. broker or sales representative who re-invoices a product from the producing company to the recipient or contractor) or a firm that puts a product in a container for deliver would not be considered a Regular Dealer.

A supplier of bulk goods may qualify as a regular dealer if it either maintains an inventory or owns or operates distribution equipment. With respect to the distribution equipment (e.g. a fleet of trucks), the term “operates” is intended to cover a situation in which the supplier leases the equipment on a regular basis for its entire business. It is not intended to cover a situation in the firm simply provides drivers for trucks owned or leased by another party, (e.g., a prime contractor) or leases such as party’s trucks on an ad-hoc basis for a specific job.

**Manufacturer** – A firm that produces a product from raw materials or substantially alters a previously manufactured product by operating or maintaining a factory or establishment that produces or alters on the premises.

**Manufacturer Representative** – A business that transfers title of a product from a manufacturer to an ultimate purchaser (e.g., a sales representative who invoices a product from the producing company to the contractors).

**Broker** – An agent of a buyer who sells stocks, bonds, commodities, or services, usually on a commission basis.

**Commercially Useful Function** – Work performed by a DBE/MBE in a particular transaction can be counted towards goals only if the Administration determines that it involves a commercially useful function. A certified business is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of the work of a contract and carries out its responsibility by actually performing, managing and supervising the work involved. That is, in light of industry practices and other relevant considerations, the DBE/MBE must have a necessary and useful role in the transaction of a kind for which there is a superfluous step added in an attempt to obtain credit goals.

# **ADDITIONAL INFORMATION FOR CONTRACTORS**

**Maryland Transportation Authority**  
**Minority Business Program**  
**ADDITIONAL INFORMATION FOR PRIME CONTRACTORS**

**UTILIZATION REPORTS**

Monthly reports of Payments and invoices to MBEs should be sent to the MBE office by the 10<sup>th</sup> of the month. Double payee checks are prohibited except for purchase of supplies and materials.

**USE OF MBE BANKS**

It is the policy of MDOT to encourage its contractors to utilize certified DBE/MBE banks. The prime shall consider utilizing the services of minority owned banks. Most minority banks are full service corporations that can provide an array of financial services.

**RECORDS RETENTION**

In accordance with COMAR 21.06.05.03, "The contractor or subcontractor shall maintain books and records that relate to the cost or pricing data for 3 years from the date of final payment under the contract, unless a longer period is otherwise specified in the contract." MBE records must be retained for a period of three years following completion of the contract work.

**SUBSTITUTION OF MBE SUBCONTRACTORS**

Any proposed changes to the approved MBE Plan must be submitted in writing to the Authority for approval prior to commencement of the work. Substitution or modification of it can only be accomplished with the approval of the Authority.

**ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT**

Whenever the Authority believes the prime or any subcontractor may not be operating in compliance with the terms of the program provision, an investigation will be conducted and if it is determined that there is non-compliance, notification will be made of the steps, which will, in the judgment of the Authority, bring the contractor into compliance. If the contractor fails or refuses to take corrective action, a final report of non-compliance will be made and sanctions from suspension of work up to referral to the Attorney General's Office for review may be made.

**PROFESSIONAL ASSISTANCE**

This is a referral service provided by MDOT for certified minority businesses that may need business assistance. Any of the MBEs on the project can call 1-800-544-6056 to talk to a representative.

**FRAUD PROVISIONS**

Contractors are advised that State Finance and Procurement Article 14-308 covers prohibited acts and penalties for offenses.

**PROMPT PAYMENT TO SUBCONTRACTORS**

It is the policy of the State that a contractor shall promptly pay a subcontractor any undisputed amount that a subcontractor is entitled to under the contract for construction. This payment shall be made within ten (10) days of receiving a progress payment or final payment from the State. Undisputed amounts include the retainage on a contract.

**Maryland Transportation Authority  
Minority Business Enterprise Program  
ADDITIONAL INFORMATION FOR MBE SUBCONTRACTORS**

**MBE REPORT OF PAYMENTS RECEIVED**

By the 15<sup>th</sup> of each month the MBE should submit this document to the Authority's MBE Office. It should be submitted even if there are no payments for the month.

**PROMPT PAYMENT TO SUBCONTRACTORS**

It is the policy of the State that a contractor shall promptly pay a subcontractor any undisputed amount that a subcontractor is entitled to under the contract for construction. This payment shall be made within ten (10) days of receiving a progress payment or final payment from the State. Undisputed amounts include the retainage on a contract.

**RECORDS RETENTION**

Title 21 of the State Procurement Regulations, Subtitle 06 Contract Formation and Award, Chapter 5 Plant Inspection, Audit and Retention of Records, .03 Records Retention contains the following regulation: The contractor or subcontractor shall maintain books and records that relate to the cost or pricing data for 3 years from the date of final payment under the contract, unless a longer period is otherwise specified in the contract.

**FRAUD PROVISIONS**

Contractors are advised that State Finance and Procurement Article 14-308 covers prohibited acts and penalties for felony and misdemeanor offenses.

**STATE OF MARYLAND GOVERNOR'S OFFICE OF MINORITY AFFAIRS (GOMA)**

GOMA is the state's principal advocates for minority businesses. They provide assistance to minority business owners who are seeking state certification and state procurement opportunities. They also help minority business owners who believe they have been treated unfairly by a state agency or other entity.

This office provide referrals to agencies and other entities that have programs to assist minority business owners in getting the services they need to start, develop and grow. For more information regarding GOMA log on to [www.mdminoritybusiness.com](http://www.mdminoritybusiness.com), or by calling 410-767-8232.

**ENTERPRENEUIAL DEVELOPMENT INSTITUTE (EDI)**

EDI helps meet the education needs of small and minority businesses in construction and related business fields. The Maryland State Highway Administration's Equal Opportunity Office provides the services of the EDI. Centered at the University of Maryland Eastern Shore (UMES), EDI classes are held on weekends. A nominal fee of \$50.00 is charged for the classes and hotel accommodations. For schedule and registration information, contact the EDI Coordinator at (410) 651-6476.

## MSBDFA BONDING AND CONTRACT FINANCING PROGRAM

The Maryland Small Business Development Financing Authority (MSBDFA) offers program through four programs: Contract Financing, Long Term Guaranty Program, Surety Bond Guaranty Program and Equity Participation Investment Program. They provide contract financing and surety bonding assistance to eligible firms to begin, continue and complete work on MDOT contracts. Firms bidding on MDOT contracts needing a bid, performance or payment bond or working capital can contact the office at (410) 333-4270.

## PROFESSIONAL ASSISTANCE

An MBE firm certified by MDOT may request referral assistance in any area of business by calling the MBE Information Line, 1-800-544-6056 in the Office of Minority Business Enterprise.

## THE STATE OF MARYLAND SMALL BUSINESS RESERVE PROGRAM

The State of Maryland Small Business Reserve Program is committed to the growth and success of small businesses. For the first time, small businesses will be able to bid for State contracts without competing with larger, more established companies.

Beginning October 1, 2004, designated agencies will be required to award a minimum of 10 percent of their units' total dollar value of goods, supplies, services, maintenance, construction, construction related, architectural service and engineering service contracts to small businesses. For more information regarding the Small Business Reserve Program log on to [www.smallbusinessreserve.maryland.gov](http://www.smallbusinessreserve.maryland.gov) , or by calling 410-767-4270.

**PROMPT PAYMENT  
TO  
SUBCONTRACTORS**

**A. MARYLAND DEPARTMENT OF TRANSPORTATION**  
**POLICY STATEMENT**  
**PROMPT PAYMENT OF SUBCONTRACTORS**  
**DISADVANTAGED/MINORITY BUSINESS ENTERPRISES**

This policy is in accordance with Maryland State Law, codified at Md. Code Ann., State Finance and Procurement Article, §15-226, and 49 CFR, Part 26, 26.29(b)1-3.

It is the policy of the State that a contractor shall promptly pay a subcontractor any undisputed amount that a subcontractor is entitled to under a State procurement contract for construction. This payment shall be made within ten (10) days of receiving a progress payment or final payment from the State. "Undisputed amount" includes the retainage on a contract.

If a contractor withholds payment, the contractor shall:

1. Notify the subcontractor, in writing within the same ten (10) day time period, stating the reasons for payment being withheld,
2. Provide a copy of the notice to the procurement officer.

If a subcontractor does not receive payment within the required time period, the subcontractor may give written notice of non-payment to the procurement officer. The notice shall include:

1. The name of the contractor, the project under which the dispute exists and the amount in dispute,
2. Provide an itemized description on which the amount is based and
3. If known, provide an explanation for any payment dispute.

Within two (2) business days of receipt of written notice from a subcontractor, a MDOT Agency Representative shall verbally contact the contractor to determine if the amount is undisputed.

If the MOOT Agency Representative determines that all or some of the amount is undisputed, the representative shall instruct the contractor to pay the subcontractor the undisputed amount within three (3) business days. The MDOT Agency Representative shall verbally inform the subcontractor the results of discussions with the contractor. If the payment is not made, the subcontractor may report the non-payment to the procurement officer. As a result, the MDOT Agency Representative shall schedule a meeting of the agency project manager, the subcontractor and the contractor, as follows:

1. The time and location shall be selected by the agency representative,
2. The meeting shall be no later than ten (10) days after receiving notice from the subcontractor,
3. The meeting purpose is to establish the reasons for non-payment,
4. The agency representative shall require the parties to provide information necessary to evaluate the dispute,
5. If the agency representative determines the contractor is delinquent, further progress payments to the contractor may be withheld until the subcontractor is paid.

If the payment to the subcontractor is not made within seven (7) days after the agency representative determines that the contractor is delinquent, the agency representative shall schedule a second meeting on the dispute as follows:

1. The time and location shall be selected by the agency representative,
2. The meeting shall be no later than five (5) days after the close of the seven (7) day period.

After this second meeting, if the agency representative determines the contractor continues to be delinquent in subcontractor payments, he/she:

1. Shall order further payments to the contractor not be processed until payment is made to and verified with the subcontractor,
2. May order work under the contract be suspended based on the contractor's failure to meet contractual obligations under the contract,

3. May require the contractor to pay a penalty to the subcontractor, not to exceed \$ 100 per day, from the date that the payment was required, not to include any period that the agency representative determines that the subcontractor was not diligent in reporting non-payment to the procurement officer. The contractor or subcontractor may appeal the decision after the second meeting, noted above to the procurement officer. The contractor shall comply with the procurement officer's decision.

An act, failure to act or decision of the procurement officer or agency representative may not:

1. Affect the rights of the contracting parties under other provision of law, be used as evidence on the merits of a dispute between the agency and the contractor or the contractor and the subcontractor in any other proceeding or
2. Result in liability against or prejudice the rights of the agencies of the Maryland Department of Transportation.

A decision of a procurement officer or an agency representative designated by the procurement officer under this law is not subject to judicial review or the provision for bid protests and contract claims before the Board of Contract Appeals. This law shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any State procurement contract awarded before the effective date of this law, October 1, 1999.



## **GUIDE TO PROMPT PAYMENT FOR NON-CONSTRUCTION SUBCONTRACTORS**

August 2008

Prompt payment requirements already exist on State-funded construction contracts. Recently, prompt payment requirements became effective on all State-funded non-construction contracts in excess of \$25,000 by agencies that are members of the Governor's Cabinet.

### **What are my rights as a subcontractor?**

Subcontractors on contracts greater than \$25,000 can expect to receive payment for any undisputed amounts after the prime contractor has received a progress payment. Otherwise, a subcontractor can expect to receive written notice from the contractor as to why payment is being withheld.

### **What are my rights as a Minority Business Enterprise (MBE) or Small Business Reserve (SBR) subcontractor?**

MBE and SBR subcontractors have the same rights as those described above. In addition, agencies must notify the Governor's Office of Minority Affairs (GOMA) of any complaint of non-payment of subcontractors with MBE or SBR status.

### **What are the responsibilities of the prime contractor?**

The prime contractor has the responsibility to:

- Pay a subcontractor an undisputed amount to which the subcontractor is entitled; OR
- Notify the subcontractor in writing and state the reason why payment is being withheld.
- If payment is withheld, the prime contractor must provide a copy of the notice to the procurement officer.

### **What should I do if I am not being paid by the prime contractor?**

The subcontractor must notify the procurement officer. GOMA recommends that notice be given in writing. The notice will include:

- The name of the prime contractor from which payment has not been received;
- The project under which the dispute exists;
- The amount in dispute;
- An itemized description on which the amount is based; and
- If known, an explanation for any dispute concerning the payment not received.

**Who should I contact at the agency?**

Subcontractors who have not received payment of any undisputed amount should contact the agency's chief procurement officer. Contact information for the Cabinet agencies' chief procurement officers can be found at the end of this document.

**I've sent my written notice of non-payment to the procurement officer. What happens now?**

The procurement officer, or another agency representative, must contact the prime contractor to ascertain whether the amount withheld is an undisputed amount. If it is determined that part or the entire amount withheld is undisputed, the agency representative will instruct the prime contractor to pay the subcontractor the undisputed amount. The agency representative is to communicate to the subcontractor the results of the discussions with the prime contractor.

**Are there any penalties to the prime contractor for failure to pay subcontractors undisputed amounts?**

Yes. The State agency that issued the contract may;

- Withhold further payments to the prime contractor until payment to the subcontractor is verified;
- Suspend all or some of the contract work;
- Pay or otherwise cause payment of the undisputed amount to the subcontractor;
- Place a payment for an undisputed amount in an interest-bearing escrow account; or
- Take other or further actions as appropriate to resolve the withheld payment.

**What is an “undisputed amount”?**

An “undisputed amount” means an amount owed by a contractor to a subcontractor for which there is no good faith dispute. This includes any retainage withheld, and any amount withheld because of issues arising out of an agreement or occurrence unrelated to the agreement under which the amount is withheld.

**What agencies are members of the Governor’s Cabinet?** The 22 member agencies of the Governor’s Cabinet and their chief procurement officers are:

Agency	Procurement Officer	Email
Aging	Ivey Gilliam	ilg@ooa.state.md.us
Agriculture	Joe Harrington	harrinjm@mda.state.md.us
Budget and Management	Joel Lieberknight	jleberkn@dbm.state.md.us
Business and Economic Development	Debi Chronister	dchronister@dbed.state.md.us
Disabilities	John Brennan	jbrennan@mdod.state.md.us
Education	Albert Annan	aannan@mdse.state.md.us
Environment	Mike Gallagher	mgallagher@mde.state.md.us
Executive Department	Jeremy Rosendale	jrosendale@gov.state.md.us
General Services	Michael Haifley	michael.haifley@dgs.state.md.us
Health and Mental Hygiene	Gary Goldberg	ggoldberg@dnhmh.state.md.us
Housing and Community Development	Eleanor Kennedy	kennedy@mdhousing.org
Human Resources	Jane Bailey	jbailey@dhr.state.md.us
Information Technology	Sue Howells	Sue.Howells@doit.state.md.us
Juvenile Services	Marcus Filson	filsonm@djs.state.md.us
Labor, Licensing, and Regulation	Latesa Thomas	lthomas@dllr.state.md.us
Military	Nancy Fabula Hevey	hevey@mdmildep.org
Natural Resources	Diane Russell	drussell@dnr.state.md.us
Planning	Samer Atiya	satiya@mdp.state.md.us
Public Safety and Correctional Services	Behira J. Said-Pompey	BSaid-Pompey@dpscs.state.md.us
State Police	Jonathan Beam	jbeam@mdsp.org
Transportation	Carmina Perez-Fowler	Cperez-fowler@mdot.state.md.us
Veterans Affairs	John Kearns	jkearns@mdva.state.md.us

# **MBE COMPLIANCE CONTRACTOR NOTIFICATION**

**Maryland Transportation Authority  
Procurement and Statutory Program Compliance  
Minority Business Enterprise Program  
Contractor Notification**

Prime/General contractors participating on Maryland Transportation Authority (MdTA) contracts must notify the MBE office of any changes to the approved MBE plan that was submitted. This includes all EWAs that increase or decrease the MBE goal approved for the contract. The notification must be in writing and include an updated MBE Plan to be submitted for review and the approval/denial process. The following is the minimum information that must be included:

A. Increase of the MBE over-all goal and/or sub-goal

1. MdTA Contract name and number
2. Name of Prime/General contractor
3. Reason for increase
4. MBE contractors name, address and contact information
5. Contract work items effected
6. Dollar value of the work items
7. New contract value
8. New MBE over-all goal and sub-goals

B. Decrease of the MBE over-all goal and/or sub-goal

1. MdTA Contract name and number
2. Name of Prime/General contractor
3. Reason for decrease
4. MBE contractors name, address and contact information
5. Contract work items effected
6. Dollar value of the work items
7. New contract value
8. New MBE over-all goal and sub-goals
9. Good Faith Effort (GFE) packet

Correspondence concerning the above will be sent directly to the Procurement Officer, who will ensure that the MBE Office receives the information for processing.

Two (2) complete copies of certified payrolls are to be delivered to the MdTA Project Inspector at the field office for all contractors employed on the project. One (1) complete copy is to be sent to the Commissioner of Labor & Industry. **No certified payable are to be mailed or delivered to the FSK Bridge.**

## **Maryland Transportation Authority Points of Contact**

Dave Ferrara  
Director of Construction  
Maryland Transportation Authority  
304 Authority Drive  
Baltimore, Maryland 21222  
[dferrara@mdta.state.md.us](mailto:dferrara@mdta.state.md.us)

Phone: (410) 537-7882  
Fax: (410) 537-7802

Beverly Hill, Director  
Procurement and Statutory Program Compliance  
2310 Broening Highway, Suit 150  
Baltimore, Maryland 21224  
[bhill@mdta.state.md.us](mailto:bhill@mdta.state.md.us)

Phone: (410) 537-1086  
Fax: (410) 537-1044

All other questions concerning MBE Compliance  
can be directed to the following compliance  
team.

Orlando Price  
MBE Field Compliance Officer  
410-537-1052  
[oprice@mdta.state.md.us](mailto:oprice@mdta.state.md.us)

Shirley Stivers  
Contract Close-out Officer  
410-1055  
[sstivers@mdta.state.md.us](mailto:ssstivers@mdta.state.md.us)

# **MONTHLY MINORITY BUSINESS UTILIZATION REPORT FORMS FOR PRIMES AND SUBCONTRACTORS**



**PLEASE COMPLETE AND RETURN BY 15<sup>TH</sup> OF THE MONTH FOLLOWING THE REPORTING PERIOD, SUBMIT COPIES OF INVOICES WITH THIS DOCUMENT.**

**FOR THE PERIOD ENDING \_\_\_\_\_ (MONTH/YEAR)**

**SUBCONTRACTOR:** \_\_\_\_\_

**MDOT CERTIFICATION #:** \_\_\_\_\_ **FEDERAL ID #:** \_\_\_\_\_

**PRIME CONTRACTOR:** \_\_\_\_\_

**PROJECT NUMBER/TITLE:** \_\_\_\_\_

**PROJECT LOCATION:** \_\_\_\_\_

**SERVICES/SUPPLIES PROVIDED:** \_\_\_\_\_

**TOTAL SUBCONTRACT AMOUNT:** \_\_\_\_\_

**STATUS OF PAYMENTS:**

INVOICE DATE	INVOICE NUMBER	AMOUNT OF INVOICE	AMOUNT PAID	AMOUNT DUE

**DISCUSS ANY PROBLEMS YOU ARE EXPERIENCING WITH THE PRIME CONTRACTOR AND/OR THE PROJECT.** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

PRINT NAME OF COMPANY OFFICIAL \_\_\_\_\_

TITLE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

TELEPHONE # \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

1/11/2008



Please Attach Invoices and copies (front and back) of cancelled checks

**Contract #:**

**Contract Value: \$**

**Month Ending:**

**DATE:**